



THE UNIVERSITY

OF ILLINOIS

LIBRARY

614.3105

A M

v.2



The person charging this material is responsible for its return to the library from which it was withdrawn on or before the **Latest Date** stamped below.

Theft, mutilation, and underlining of books are reasons for disciplinary action and may result in dismissal from the University.

UNIVERSITY OF ILLINOIS LIBRARY AT URBANA-CHAMPAIGN

FEB 23 1973

NOV 08 2008

L161—O-1096







# THE AMERICAN FOOD JOURNAL



Vol. II No. 1

CHICAGO, JANUARY 15, 1907

10c. Per Copy  
Monthly \$1.00 Per Year



HON. A. H. JONES,  
Illinois State Food Commissioner.



# Swift's Premium Bacon

For Breakfast

Nothing like Swift's Premium Bacon for Breakfast these cold mornings. Fried crisp and brown, it fairly makes your mouth water to think of it. Delicious and nut-like in flavor. Made from young corn-fed porkers—the pick of the country. Every piece of Swift's Premium Bacon U. S. Government Inspected—branded soon the rind. This guarantees its wholesomeness and purity. When you order Bacon, ask for Swift's PREMIUM.

SWIFT & COMPANY, U. S. A.



## ATLAS Harmless Synthetic Colors

ATLAS VEGETABLE COLORS  
IN PASTE OR DRY FORM

### Atlas Carmine

No. 40

Guaranteed absolutely free from coal tar matter. Has no equal in strength, clearness or brilliancy.



### Koncentrona

:: :: OUR NEW :: ::  
VEGETABLE BROWN

To replace Coal Tar or Iron Browns. The only adaptable Vegetable Brown, very strong and correct in shade.

## H. KOHNSTAMM & COMPANY

Established 1851

112 Franklin Street, CHICAGO

87 Park Place, NEW YORK



614.3105

A M

v. 2

# THE AMERICAN FOOD JOURNAL



Vol. 2. No. 1.

CHICAGO, JANUARY 15, 1907.

10c Per Copy.  
Monthly, \$1 Per Year.

## Food Inspection and Control in Illinois

During the Year of 1906

BY

HON. ALFRED H. JONES

Illinois State Food Commissioner.

During the past year our inspectors have visited all the principal cities of the state, in their duties of inspecting the food and dairy products and have been in every county in the state—and in many of the large cities many times—but when it is remembered that Illinois has 16,000 retail grocers, 4,000 manufacturers and packers of food, 300,000 dairies, 700 creameries, and 14 milk condensaries, not taking into consideration booths, depots, stations and buffets and dining cars, and that it is the first state in the Union in the production, manufacture and sale of all this vast product, and when we further remember that Illinois, on account of her broad prairies and fertile valleys, she being located almost centrally between the two great oceans, and peculiarly adapted to the growth and production of the very best and most wholesome food products pertaining to the temperate zone, and Chicago, being the distributing point of all this vast food product, we can then see and understand how necessary it is that Illinois should have a first-class food and dairy law, and have the law rigidly enforced so as to protect the manufacture and sale of this vast food product.

This cannot be effectually done with the present force of inspectors and chemists, nor with the small appropriation allowed the State Food Department.

When we consider that the state of New York has allowed to its Food and Dairy Department \$150,000; that Pennsylvania is allowed \$175,000; that Ohio is allowed \$90,000, and that these states have unlimited authority to appoint all necessary inspectors, and in addition to all this liberal appropriations are made for the employment of attorneys to look after the prosecutions for violations of these laws and take care of the legal work of the department, and then, when we

compare those appropriations with the appropriation allowed by the General Assembly for the Illinois State Food Department, we can understand why it is the states named, and many of the other states not named can do so much more work than Illinois, and in addition to all this these states have had stringent state food laws under which to carry on their work, whereas Illinois has never had a revision of her state food laws, and many of the present laws are so obsolete and impracticable that it is hard for even lawyers to understand whether the former laws were intended to repeal the later ones, and even our courts are, in many cases, at a loss to know under which section of these statutes the defendant should be apprehended and tried.

Therefore, to obviate this trouble and meet these objections, I have prepared an entire revision of our state food law, modeling the same after the national food law.

If the State Food Department can secure this revision of our state food law, then the work of enforcing the law will be made comparatively easy.

As stated in our last annual report the time has come when the manufacturer and jobber, as well as the retail dealer, should be held to a strict accountability for putting on the markets of the state articles of food that are not properly labeled, stamped or branded, so as to inform the purchaser, or purchasers, as well as all who may be interested, just what the goods are, as well as to punish them for putting on the markets of the state for consumption foods that are falsely labeled, stamped or branded or not prepared in conformity with our state food laws.

The only way in which this can be done and protect the people in their lives, health and pocketbooks is to hold these manufacturers, packers, jobbers and



retail dealers to the strictest accountability. This accountability must begin with the retail dealer, for it is in possession of the retail dealer and in his store or place of business we find the goods.

If the retail dealer uses the business sagacity, honesty and integrity that he should in the purchase of these foods and requires a guarantee from the party of whom he purchases his goods, he can protect himself against these fraudulent and misbranded foods.

The retail dealer should require of the manufacturer, packer or jobber of whom he purchases his goods, a guarantee that they are manufactured and prepared in conformity with the Illinois State Food Law and will meet its requirements, and the retail dealer should also use business acumen and sagacity in ascertaining whether the manufacturer, packer or jobber is financially responsible, is doing a legitimate business and preparing his foods in conformity with the State Food Law of Illinois.

I think a large percentage of the reputable dealers of foods in the state have already adopted this plan of first inquiring into the reputation and standing of the manufacturer, packer or jobber before he purchases his goods and ascertains, before he purchases the same, whether the party of whom he purchases is financially responsible, and then, after satisfying himself that he is to require a guarantee that the goods are prepared and sold in conformity with the Illinois State Food Laws, and in nearly every case, where the retailer has followed this plan, and the goods did not comply with the guaranty, the manufacturer, packer or jobber, as the case may be, has come forward and paid the fine, costs and attorney's fees and thus relieved the retail dealer of any financial liability, and in this way putting the financial burdens, incurred for these fraudulent acts, where they rightly belong, upon the fraudulent manufacturer, packer or jobber.

Whenever the retail dealer has used this care and precaution in the purchase of his goods, inquiring into the financial standing and integrity of the manufacturer, packer or jobber, and requiring a guaranty, there has been a great improvement in the quality and character of the foods and very few prosecutions. This care on the part of the retailer has greatly improved the food markets of the state during the past year, and the honest manufacturers, packers and jobbers seem to be in sympathy with this feature of the enforcement of the law and its requirements.

This practice of requiring a guaranty has caused the manufacturer and packer to prepare the various food products with greater care as to labels as well as ingredients contained in the foods, and also caused them to submit to this department for inspection food labels when in doubt as to preparing labels for their goods, and not only is this true as to the manufacturers and packers of our own state but as to those of any other states.

For seven years the state of Illinois has maintained the State Food Department, charged with the enforcement of food and dairy laws. There has been expended, for this purpose, in the way of salary and expenses, about \$25,000 per annum during this period, and it may not be unwise to take into consideration what it is reasonable to expect may be necessary to maintain in the future, the demand for more favorable conditions concerning the manufacture and sale of food products, and the enforcement of the State Food Laws in Illinois, and to review the success and failures of the laws in their administration in the past.

So far as results already obtained are to be considered, it may be safely said the people of Illinois have been well repaid for their expenditure up to the present time in the reduced amount of goods manufactured within the state that are injurious, or fraudulent adulterations and in the largely restricted sale of commercial or deceitful adulterations harmless in character.

Every evidence goes to show that during the seventh year of its existence the Illinois State Food Department has accomplished more by far than in any former year, and at the date of this report finds a much better general condition than has ever existed before in the state.

No one can dispute that in the enactment and enforcement of dairy laws and regulations Illinois is sadly in the rear of her sister states. We have no laws compelling reports to be made by creameries, dairies and milk condensaries of the state.

The dairy interests of Illinois have sought to promote dairy industries as an aid to their agricultural pursuits and interests, and facts will show that the dairy section, not only of Illinois, but of the United States as well, are the most prosperous communities among those who depend upon the soil for a livelihood.

As stated in former reports, in this day and generation favorable legislation is secured only through the concerted action of influence and necessity.

The dairy and food interests of Illinois surely understand the necessity, though they have failed in the past to appreciate and exert the influence so easily within their power.

Illinois legislators are taken from the many different walks and callings of life. They cannot be expected to have acquired the necessary knowledge as to what each of her great industries or interests may need; hence, has the law creating the State Food Commission made it incumbent upon the commissioner to suggest in his annual report the existing needs of addition legislation, along the different lines required in order to make the work of the State Food Department more effective.

The foods and food stuffs of former times were few and simple as compared with ours. Formerly, the food markets were not filled with all manner of foods prepared and ready for consumption.

The food materials that were formerly bought and sold were mainly of a raw, crude nature. Formerly, they had neither potted meats nor canned vegetables; spices came to them unground and none of their virtues extracted. Formerly, the list of family groceries was a short one.

Food adulteration, as a great evil, follows manufacture and commerce, and flourishes in the train of a broadening civilization. Adulteration is largely a matter of lessening costs, in order that an extensive line of low-priced foods may be placed upon the market.

We all recognize, as a marked and credible feature of the past quarter of a century, the efforts of modern civilization to regulate by law sanitary and other conditions affecting the physical welfare of the race, in order to add to the comfort of living and promote longevity. Included in this effort is the regulation of the food supply, commonly designated the "Pure Food Movement."

The entire question, as to the pure food regulation, might be summed up in a few sentences, as the kernel of the entire matter is, that the consumer shall be



made acquainted with the true character of the food and drink offered for sale.

The trade is a general proposition in favor of an honest label, one which defines, to the consumer, the true character of the article it covers. There is a minority that claims that when once a food product is admitted to be pure and wholesome, it should not come under the jurisdiction of a food law and should be sold as any other article of merchandise; and also, that when a food law undertakes to protect the people from fraud and deception it is going beyond the question of pure food. This position is untenable, as food affects the physical well being of individuals and the state, which is not the case with other sorts of merchandise.

It is also understood that legal protection or supervisions of the rights of manufacturers and distributors, is in no way prejudicial to or infringes the right of the consumers.

The right of the manufacturers is by no means encroached upon by laws which prohibit the use of harmful or unsanitary ingredients in food products, or which provide for sanitary inspection of stores and manufactories or prescribe the form of label, the standard of the ingredients to be used in the preparation of the food.

The fundamental principle is that every consumer is entitled to choose as to the kind and quality of the food offered for sale. For example, whether they shall receive honey when desiring to purchase that article, or a mixture of honey and glucose; absolutely pure fruit jelly or an imitation, and this comparison is equally applicable and true and applies to all foods and food products.

As a safeguard, insuring the people against fraud in connection with the preparation, manufacture and sale of food products, publicity is an active factor and can be trusted in a large degree to protect the consumer. There is nothing the fraudulent manufacturer of adulterated food fears so much as publicity.

The manufacturers and dealers are a unit in favor of the adoption of uniformity in labels and standards and are heartily in sympathy with the National Food Law, that will bring about co-operation between the national and state food authorities.

The outlook for "pure food" is brighter than ever before in the history of our state. The supreme courts of nearly every state in the Union have held that all persons who manufacture and sell adulterated foods do so at their peril, and the penalty will be enforced even though the seller had no knowledge of the adulteration.

The Supreme Court of Minnesota has held that no person has the constitutional right to keep secret the composition of a substance which he sells the public for food.

To show the complete power of the state over the sale of food products it is only necessary to refer to the recent decision of the Supreme Court of the State of Missouri, Vol. 160, page 474, in which a statute, absolutely prohibiting the sale of baking powder containing alum, was upheld and enforced.

In order to prevent the sale of deleterious foods, and also to prevent commercial frauds, it is only necessary for the several states of the Union to pass adequate laws modeled after the National Food Law and enforce them.

During the past seven years as State Food Commissioner of Illinois, I have had a share in the work

of securing a National Food Law—not only did I act in my capacity as State Food Commissioner of Illinois, but during that time as representative of the National Association of State Dairy and Food Departments, an association consisting of the food officials of the various states of the Union, having served two years of that time as president of the National Association, and during all that time as a member of the committee appointed by the National Association to procure a national law, and as a member of this committee, along with Dr. H. W. Wiley, Chief of the Bureau of Chemistry in the Department of Agriculture, prepared a National Food Law and memorialized Congress to pass same, and with the other member of said committee and Dr. H. W. Wiley, each Congress appeared before committees of the House and Senate of the United States in the interest of this bill for a National Food Law until the national law was passed by Congress, and I now believe that, under the provisions of this National Food Law, we can check the great evil of misbranded and adulterated food and drink that are pouring over the border lines of our state, and too great credit cannot be given Dr. H. W. Wiley and Secretary Wilson of the Department of Agriculture in impressing upon Congress the necessity of a National Food Law, and also for the zeal shown by them in the work of preparing rulings and standards for food as well as for the active preparation of the prompt enforcement of the law.

For years the national, as well as the state government, has been passing laws protecting the animal and vegetable kingdom as well as in the interests of agriculture and horticulture and making liberal appropriations along these lines.

It is now high time that the human family should have some attention paid to it. If efficient food and sanitary laws can be secured and enforced, this will tend to produce a better condition of affairs in the state, life will be made more worth the living, longevity will be increased and accordingly there will be less demand for increased appropriations for our charitable and penal institutions, as well as less poverty and crime in our state.

If the state would have a strong intellectual and healthy citizenship it must give more attention to food and drink as well as the sanitary conditions of the state.

The law requires the commissioner to ascertain whether the various food products are adulterated or misbranded.

Upon the laboratory devolved the analytical work of determining what foods were adulterated or misbranded, also ascertaining the ingredients or substances, used in the adulteration of foods, and also to ascertain whether the ingredients or substances used were unwholesome or injurious to the health, or used merely as an inferior or cheaper substance or substances and substituted wholly or in part for the real or genuine article.

The work of the laboratory has been extensive along the various lines of adulteration especially, as to the use of preservatives and coloring matter used in food and dairy products.

The use of coloring matter and preservatives in food products has recently received much attention from food officials. It has been clearly demonstrated that the use of coloring matter and preservatives in food products have been carried to an extreme. The deleterious effects of their use upon the health of the



people of the state has been clearly set forth in bulletins issued from the department from time to time as these investigations have been made. In this manner we have attempted to keep the public informed as to their harmfulness, as well as by prosecutions instituted against manufacturers and dealers and on the first day of September, 1906, we issued a bulletin in which "Standards for Purity of Food products" were established and requirements were made for their manufacture and sale as standard of the articles, the standards being based on those adopted by the U. S. Department of Agriculture, and have been modified to accord with Illinois laws, and with local conditions. This bulletin has been revised and brought down to date in so far as food standards, not given in this bulletin, have been adopted.

The question of coloring matter is fraught with a great many complicated questions, and concede that all mineral coloring matters are injurious to the health.

There are vegetable coloring matters that are perfectly harmless as far as health is concerned, such as anatto and natural food colors, and there are caramels that are harmless as far as health is concerned, but even the most harmless can become harmful when used either to enhance the value of the inferior article, or when used to deceive the purchaser or consumer in making him believe that a certain food product is what it is not, or making him think it is something better than it is. It is harmful then and ought to be prohibited.

As to the question of preservatives, it has been conclusively demonstrated that when taken in large quantities many of them will produce death, and any substance, or ingredient which will produce death, when taken in large doses or quantities, it is dangerous to administer it continuously in small quantities, and an opinion cannot be based on whether coloring matter and antiseptics in foods are harmful or not by the immediate effects which they produce.

It has been demonstrated by Dr. H. W. Wiley, Chief of the Bureau of Chemistry in the U. S. Department of Agriculture, when making these tests, as to preservatives that when taken morning, noon and night, over and over again for seven days in the week and four weeks in the month, they are injurious to the health, it was found that the preservative destroyed the germs of fermentation.

To show the extent to which coal tar colors are now employed in foods for giving color effects, a partial list of the foods so treated by some manufacturers read like this: Jams, jellies, preserves of all kinds, canned goods, such as cherries, peaches, strawberries and tomatoes, candies, sausages, catsup, flavoring extracts, syrups for soda fountains, vinegars, marmalades, wines, butter, cheese, etc. Now when we come to consider the immense amount of these goods consumed in American dietaries, the question assumes startling significance.

In addition to the coloring matters already named, there have been employed to a large extent admittedly poisonous metallic salts of lead, copper, zinc, arsenic and iron.

In regard to antiseptics it may be truthfully said that their use is coextensive (if not in excess) with that of coloring matter. Many kinds of foods are treated with antiseptics where no coloring matter is required or used, while a large number of products carry both. Antiseptics are used to prevent fermentation. Antiseptics may, like coloring matters, be divid-

ed into two classes: First, those which are not only admittedly harmless, but they are also useful articles of food, such as common salt, sugar, spices, etc. These have been used since time immemorial, and their use must be considered legitimate. The second class embraces the so-called chemical preservatives, the principal ones of which are salicylic and benzoic acids and their salts, boracic acid and borax, sulphurous acid, and its salts, formaldehyde, saccharin, sucrol, abastol, betanaphthol and some of fluorine compounds. The application of these preservatives to food products is of comparatively recent date, and their use is a menace to public health and longevity.

Now if the antiseptic and coloring matter used will destroy the germs of fermentation, and strong enough to effectually resist natural decay, as many of these preservatives and coloring matters are, the logical conclusion is that when taken continuously in small amounts, they are injurious to the health and their use ought to be prohibited by law.

The difficulty in the past has been that there were no legal standards for foods for the human family. There has been a great demand for standards for foods; grocers have needed them in stocking their stores; manufacturers and manufacturing chemists have desired them in making trade preparation; law makers could have employed them to great advantage in formulating needed legislation.

During the past year considerable attention has been paid to the milk supply of the large cities, and especially in the city of Chicago. This work was started primarily because the milk depots and peddlers were using preservatives such as formaldehyde. The samples taken by our inspectors in numerous instances resulted in the finding of this preservative. The condition of some of the milk and cream was such as called for numerous prosecutions for violation of the law in regard to preservatives.

The enforcement of the butter laws enacted to regulate the manufacture and sale of substitutes for butter and to prevent fraud in the brand and sale of "process or renovated butter" have received considerable attention at the hands of the department during the past year and a great improvement has been discovered in respect to the manufacture and sale of oleomargarine and "process or renovated butter" as these investigations have shown that the label laws in regard to these substitutes for butter are pretty generally observed and that the oleomargarine that is sold in our state at the present time is generally uncolored or white, and "process butter" is labeled and sold as "renovated butter"; but there is great room for improvement along these lines.

The help rendered this department by the daily newspapers of Chicago and the press of the state generally, as well as the various journals and magazines of the state, and the friendly assistance so freely given has been at all times a great inspiration and incentive to this department to renewed efforts to enforce the food laws with greater zeal. Their assistance in giving to the public the work accomplished by this department as well as their sympathy and approval of the difficult duties performed, afforded genuine pleasure and much encouragement. The help received from these sources is incalculable and has done much to purify the food markets of the state and drive out adulterated food products; and thanks are due and are hereby freely acknowledged for their assistance and for courtesies extended.



## ADDRESS OF DR. WILEY BEFORE THE AMERICAN CHEMICAL SOCIETY, NEW YORK, JAN. 11, 1907.

"The Pure Food and Drugs Act became effective Jan. 1, 1907. The phrase 'became effective' must, however, be taken with 'a grain of salt.' Under the peculiar conditions which existed, it is not possible for the Secretary of Agriculture to make any arrangements looking to the immediate enforcement of the act, because no appropriation had been made by Congress for this purpose. It was not until the day before Christmas that the act appropriating \$250,000 for the enforcement of the law for the remaining portion of the fiscal year, that is, until July 1, 1907, made this sum available. It was necessary after this appropriation bill was signed to apply to the Civil Service Commission for examinations for inspectors and chemists.

The Commission will hold in the near future an examination for inspectors at salaries of \$2,000, and lower grades in the service; for experienced chemists at salaries of \$3,000 and lower grades in the service, and for younger chemists at salaries of \$2,000 and lower grades in the service. The first and second of these examinations will be assembled examinations, that is, the candidates will report at certain specified places and hold their examination under supervision. The second one — for the high grade chemists — will be a non-assembled examination, that is, will be a statement on the part of the candidate under oath of his qualifications and experience. Those who take the high grade examination for chemists will be required to have secured a degree of Ph.D., or to have made studies equivalent to that degree. Inspectors will not be required to pass either

an examination in chemistry nor in law, but must be men under 40 years of age who have developed business ability and had experience in handling foods and drugs. Perhaps an ideal inspector of this kind would be a first-class traveling man for the sale of foods and drugs. Any one, though, who has had experience in any way in handling foods and drugs, commercially or otherwise, is eligible to examination.

"This examination is confined to men only. Examinations for chemists are open to both sexes. The number of inspectors and the number of chemists who are to be employed is not yet determined. It will

depend upon the development of the inspection service and chemical service and the amounts of the appropriations voted from time to time by Congress. The Secretary of Agriculture has asked for an appropriation of \$750,000 for the fiscal year beginning July 1, 1907, to be applied in the enforcement of the Food and Drugs Act.

Several new laboratories will be established, especially for the inspection of imported goods. Possible localities where the establishment of such laboratories is desirable are Buffalo, Charleston, Jacksonville, Galveston, St. Paul, St. Louis, Detroit, Denver, Seattle or Portland and perhaps other places. It is not meant by this to say that these places have

been selected already for the establishment of laboratories, because such is not the fact, but from a study of conditions it seems to me probable that they would be places suitable for the establishment of laboratories. These laboratories of course would also be active in the inspection of foods entering into interstate commerce, as well as those imported from foreign countries.

"The principal enlargement of the work at Washington will be in the clerical service which is necessary to take care of the tremendous correspondence and all the details of the work. Additional chemical assistance will also be required in order that greater certainty may be secured by reviewing the work of the chemists stationed in various portions of the country where it seems advisable, on the first analysis, to begin prosecutions.

"Questions of very great importance in connection with this work are to be decided by the Secretary of Agriculture in order that the inspection service may become effective. Upon him rests the burden of deciding first of all as to the wholesomeness or unwholesomeness of added substances, his decisions, of course, being always subject to repeal by the courts. It is evident, however, that no action could be taken in any case unless the Secretary should come to some decision in that particular case. The decisions which the Secretary reaches in these matters will be made public and published as



DR. H. W. WILEY.



food inspection decisions. Already nine of these decisions have been issued and others will follow from time to time. These decisions state simply the attitude of the Secretary in these matters and indicate to the manufacturers and dealers what he regards as infractions of the law, both as to adulteration and misbranding. When these decisions are officially published if they are neglected by the manufacturer and jobber it is a clear indication that it is not their intention to construe the law as it is construed by the Secretary.

"This, then, will bring before the courts a clear case which will be the subject of prosecution and decision. The Secretary has made it clear in his utterances that the law is to be executed in a spirit of fairness and toleration. All manufacturers and dealers who are earnestly trying to obey the law will be encouraged in every possible way so that their efforts may be successful.

METHODS OF MANUFACTURE MUST BE CHANGED. long established methods of manufacture and preparation be changed, but it is hoped that these changes may be made in such a way as not to interfere in any unnecessary degree with trade.

"Perhaps the most important question which will be decided by the Secretary is that of preservatives and colors. In the case of preservatives under the meat law, which is practically the same as the food law, the Secretary has already made his decision, and you are familiar therewith. It is to the effect that no preservatives shall be used in meat except the ordinary condimental preservatives, such as salt, sugar, vinegar, wood smoke, condiments, and, pending further investigations, saltpeter. It is a question, however, whether saltpeter is really a preservative. The weight of the testimony which has been secured is to the effect that it is used as a coloring agent, or as a preserver of color, and not as a preservative. It does not seem logical to suppose that the decision under the food law can be radically different from that under the meat law, and therefore it is only reasonable to suppose that the ultimate purpose of the law, as construed by the Secretary of Agriculture, is to exclude from food products the preservatives which are excluded from meat products.

"Among the most important of these is sulphurous acid in the form of fumes of burning sulphur applied during the process of preparation of certain food products. Among these the most important are molasses, evaporated fruits and wines. In the case of molasses it is a very general custom to sulphur the juices from the canes, and a portion of this sulphur enters the molasses. In the case of evaporated fruits it is quite a general custom to submit the freshly prepared fruits to the fumes of burning sulphur before evaporation. In the case of wines, it is almost the universal custom to burn sulphur in the barrels or casks in which the wine is stored. These processes introduce into the food products greater or less quantities of sulphurous acid, free or combined.

"The investigations of the Department of Agriculture—and these are supported by the investigations of many other experts—show the injurious effects of sulphurous acid upon health. Hence, under the law sulphurous acid may finally be excluded from foods. It is only fair, however, to the trade and to the methods of manufacture, that due time be given to eliminate these injurious bodies, and especially that some toleration of them should be permitted, as in the case

of wines where the manufacture has been begun three, four or five years before the law was passed.

#### TO SECURE COMPLETE ELIMINATION OF HARMFUL PRESERVATIVES.

"Under the appropriation act the Secretary of Agriculture has authority to prescribe rules and regulations for the use of preservatives, and under this authority he may permit the use of some of these objectionable substances for a time which is deemed necessary to secure their complete elimination. In doing this, however, it is very probable that he will require that the name and the quantity of the preservative employed shall be plainly stated upon each of the labels. This is a concession which the manufacturer ought cheerfully to grant, when he considers that the Secretary is dealing so leniently with him in permitting the continued use of a substance which apparently is deleterious to health pending the investigations of methods to eliminate it completely.

"It is not to be inferred from the above outline that the action cited has been actually taken by the Secretary. I am only giving my own view of what will probably be recommended to the Secretary and which it is hoped may receive his favorable consideration. It is evident from the above outline that the chemists of this country will be vitally interested in the execution of the food and drugs act. I have said little in the above concerning drugs because the law is more simple respecting them. Those which are mentioned in the Pharmacopoeia or National Formulary are required to conform to the standards set up by those two standards. Here there is nothing to be determined except by chemical analysis. All the rest is arranged by the law and no discretion is given the executive officer respecting the matter.

"The activity of the chemists of the country in respect of the Food and Drugs Act will be divided into three great camps. First, those chemists who are employed by the national and state governments in the execution of the laws of the nation and of the state. Second, those chemists who are employed to combat the theories or processes or data established for foods and drugs by the national and state chemists before the courts and otherwise. And, third, the chemists who are making independent examinations either for themselves or their clients respecting the character of foods and drugs offered for sale. This third camp of chemists naturally would tend to separate by evolution and join the other two camps. It is evident, therefore, that the enactment of the Food and Drugs Act will be of great benefit to the chemical profession, considered solely from the activities which it will establish. Thus the profession should hail this law as an additional recognition of its standing in the community and the great services which it is called upon to render humanity. Let us hope that in the development of chemical science along these lines and in its application to the public welfare there may be excluded from consideration all personalities and recriminations and matters which reflect upon the character or upon the work of our professional brethren.

#### HOPES CHEMISTS WILL REGARD EACH OTHER IN ETHICAL SPIRIT.

"There is no reason why two chemists employed in opposite camps should not regard each other in a truly ethical spirit, respect each other's personality and work, and enter into any contest which may be necessary in the most friendly and ethical spirit. I do not have much consideration for that professional man



who is inclined to look upon any one who disagrees with him as either lacking in intelligence or honesty. Our profession can only grow by the fullest and freest discussion.

"We must admit that there are and always will be great differences of opinion and that two men equally capable and honest as a result of their investigation may reach diametrically opposite conclusions. Therefore let me say, in conclusion, that I hope that in the activities which are offered to our profession under the Food and Drugs Act there may not only be material gain and professional advancement, but a cementation of those ties of fraternity which should bind the chemists of this country into one harmonious whole."

After the reading of the address a symposium was held and the new law fully discussed from the chemical standpoint.

### THREE INTERESTING CUSTOMS DECISIONS

#### *Black or Ripe Olives.*

In the matter of protests 196,253, etc., of Zucca & Co. et al. against the assessment of duty by the collector of customs at the port of New York.

Before Board 3 (Waite, Somerville and Hay, general appraisers).

Waite, general appraiser: These importations consist of black olives in barrels. The testimony shows that they are ripe olives, and when ripe are picked and put into a solution of salt or brine for the purpose of preserving them in shipment or until they are eaten, but nothing else is done to prepare them in any way for eating. It is claimed for the importers that they are free under paragraph 559 of the tariff act of 1897, which provides for "fruits or berries, green, ripe or dried, and fruits in brine, not specially provided for in this act." The government contends that they should be assessed for duty under paragraph 264, the material part of which is as follows:

264. \* \* \* Olives, green or prepared, in bottles, jars, or similar packages, 25 cents per gallon; in casks or otherwise than in bottles, jars, or similar packages, 15 cents per gallon."

Testimony is produced before the board that the green olive covered by the statute is an olive like the ordinary Spanish olive, which is green in color and unripe when shipped to this country in brine for domestic purposes, and that the prepared olive is the olive in the form of stuffed olives and olives placed in oil and shipped in small bottles or cans for table use.

The only question really for the board to decide in this case is whether these black olives have been prepared, within the scope of that term as used in the statute. As the only olive oil mentioned specifically is the green olive, we think it is fair to to presume that the ripe olive was not brought to the attention of the legislature, and hence was not included within the statute unless it comes within the class described as prepared olives. The evidence in the case tends to show that all black olives are ripe olives.

We do not think that merely placing the olives in brine for the purpose mentioned by the witnesses, to wit, of preserving them in transit with the incidental effect of reducing the bitter taste, is sufficient to bring within the class described as prepared olives. *Causse Manufacturing Company v. United States* (T. D. 27513); *Hills Brothers Company v. United States* (123 Fed. Rep., 477); *Brennan v. United States* (136 Fed. Rep., 743; T. D. 26317). It is very difficult to determine just where the line should be drawn, and there may be some doubt as to whether this commodity should be included within that category. But as there clearly is some doubt, we think we are justified in this instance in following the decisions of the courts and giving the importer the benefit of that doubt. *Hartranft v. Wiegmann* (121 U. S., 609).

This construction seems to be warranted by the fact that in paragraphs 262 and 559 certain fruits are provided for whether "green or ripe" or "green, ripe, or dried." The omission of the words "ripe" in paragraph 264 can not be disregarded, and leads to the conclusion that Congress intended to omit ripe olives or did not have them in mind in framing the provision.

Various other claims made in protest 196253 become immaterial in the view we take of this case. The protests are sustained in so far as they claim black olives in brine to be free

under paragraph 559, and the collector's decision assessing them under paragraph 264 is reversed.

HAY, *General Appraiser*, dissents.

#### *Ginger root in brine.*

In the matter of protest 214090 of A. A. Vantine & Co., against the assessment of duty by the collector of customs at the port of New York.

Before Board 3 (WAITE, SUMMERVILLE and HAY, General Appraisers).

WAITE, *General Appraiser*: The merchandise in controversy is ginger root which has been cleaned and cut and was imported in casks in brine. It was returned by the appraiser as a "prepared vegetable," and was assessed for duty at 40 per cent ad valorem under the provision in paragraph 241 of the tariff act of 1897, covering "all vegetables, prepared or preserved, including pickles and sauces of all kinds, not specially provided for." One claim of the protestants is that it is free of duty under paragraph 667, which contains an exemption of "ginger root, unground and not preserved or candied."

There will be no dispute that the article is ginger root unground and not candied. Is it "preserved" in the sense of paragraph 667? It may probably be noted as a fact of common knowledge that preserved ginger root is "the conserve known as 'preserved ginger' \* \* \* prepared from immature roots, so that they are soft and succulent, and can readily absorb the sirup in which they are preserved" (see "Ginger, Standard Dictionary; G. A. 3608—T. D. 17434), and that "candied ginger root" is what the name applies, ginger root covered with a sugary coating, sometimes known as crystallized ginger root. The Board thinks it may fairly assume to be true what has been informally stated, that this ginger root in brine is imported to be used in the manufacture of preserved or candied ginger root. It is hardly credible that it is to be eaten in its present condition.

The use of brine to arrest temporarily the decay of vegetable substances which are otherwise substantially crude is usually held not to constitute a "preservation" in the tariff meaning. The rule was applied to orange and lemon peel immersed in brine for preservation in transit, being the raw material from which candied peel is manufactured, and which were held to be free as "orange and lemon peel, not preserved, candied or dried," under paragraph 627, tariff act of 1897. *Causse Manufacturing Company v. United States* (T. D. 27513). In like manner cherries slightly prepared and packed in casks in salt water, and intended to be manufactured into candied cherries after washing out the salt, were held not to be "fruits *preserved*" under paragraph 263 of the act, the circuit court of appeals construing the provision as applying only to fruits which have been "treated so as to become a preserve or comfit." *Causse Manufacturing Company v. United States* (T. D. 27751). Note *In re Reboulin Fils & Co.*, G. A. 5547 (T. D. 24917).

While the record in this case is not the most satisfactory, we think the authorities lead to the conclusion that the commodity in question is not "preserved," as that term is used in paragraph 667, and is therefore not one of the forms of ginger root excluded from that provision. Other claims made in the protest are immaterial. The protest is sustained so far as it claims free entry under paragraph 667, and the collector's decision reversed.

#### *Ground Pepper.*

The material in controversy consisted of pepper shells reduced to a powder in the process of decorticating the pepper berry, being a residuum of that process. The importers contended that it was improperly classified under paragraph 287, tariff act of 1897, as "spices not specially provided for," and that it should have been admitted to free entry of duty under paragraph 667 as unground pepper. The circuit court held that there was insufficient evidence of a general trade understanding as to what constitutes pepper unground, which would exclude the commodity in question, and that, inasmuch as it was in a powdered state, it was immaterial that it did not reach that condition by a process of grinding.

*Walden & Webster* (Henry J. Webster of counsel), for the importers.

D. Frank Lloyd, assistant United States attorney, for the United States.

Before WALLACE, LACOMBE, and TOWNSEND, Circuit Judges. PER CURIAM: Decision affirmed.



# RELATION OF NATIONAL TO STATE LAW.

BY HON. J. Q. EMERY, STATE DAIRY AND FOOD COMMISSIONER OF WISCONSIN.

The great number of inquiries that have been coming to the office of the dairy and food commissioner



HON. J. Q. EMERY.

within the past few weeks makes it apparent that there is among dealers a great lack of clear understanding as to the application and effect of the new National Food and Drug Act of June 30, 1906. This remark is especially applicable to liquor dealers.

The National Food and Drug Act of June 30, 1906, took effect Jan. 1, 1907. The jurisdiction of the law extends

to the manufacture in any territory or the District of Columbia and to the introduction into any state or territory or the District of Columbia or from any foreign country or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded within the meaning of that act. The scope of the law is limited to and includes "original unbroken packages." The ultimate source of authority for that law is the interstate commerce clause of the constitution of the United States.

\* \* \*

It is not held that the United States can exercise police power over such transactions. Whereas, the ultimate authority for the state dairy and food laws is the police power of the state; a power of such varied scope that no court has yet undertaken to define it. The highest courts of the land, however, have held that this is a power which the legislative branch of the state government may exercise and that it is a function of the legislature to determine when the exercise of that power is necessary or expedient. Courts will not interfere with the exercise of that power unless the legislative enactment goes to the extreme of the unreasonable. The state food law relates to transactions of dealers wholly within the state. It has no jurisdiction over those manufacturers of adulterated articles or those jobbers in adulterated articles residing outside of the state who may ship into the state unlawful food products. It is thus apparent that the national food law and the state food law are supplemental, one to the other. As the manufacturer is the party most responsible for adulterated foods, the national law, with the jurisdiction extending over the entire country, will be able to restrain manufacturers from the adulteration of articles of food within the meaning of the national food law. The effect of this must be to keep out of the state that great flood of adulterated foods that has heretofore come into our state without

restraint of law. Our only redress has been the prosecution of dealers, who manufacture within the state or sell within the state, adulterated food articles. Taking advantage of this, unprincipled manufacturers and dealers in adulterated foods have quite generally very coolly calculated the cost of paying the comparatively few fines that might be imposed by cases brought into court and still be money ahead in their nefarious practice.

There seems to have been an erroneous impression that somehow the national law will supersede the state law. Nothing could be further from the truth. A national law is supreme within its own jurisdiction. A state law is equally supreme in its own jurisdiction, which is within the state. Dealers, therefore, are subject to the operation of two laws; a national law and a state law. When they comply with the national law they are immune from prosecution by national officers, but are not immune from prosecution by state officers, unless they also comply at the same time with the state law. It would be to the best interests of all concerned if the national and the state laws were uniform in their provisions and equally meritorious and effective in all their features, but unfortunately this is not the fact.

\* \* \*

The general law on food adulteration is substantially the same in the national law and the state law, but the national law is stronger and more effective on some features on the subject of misbranding, than is the state law. The general law on adulteration of drugs is practically the same in the national law as in the state law, but the national law governing the manufacture and sale of proprietary medicines is very much stronger than the Wisconsin law. The national law seems to tolerate imitations," a prolific source of fraud. The state law is intolerant of "imitations." The feature of the national law tolerating "imitations" was secured by the persistent efforts of the "imitation" whiskey interests.

\* \* \*

The state law seems to be stronger in prohibiting the use of deleterious chemical preservatives in foods than is the national law. Wisconsin has specific laws relating to the sale of vinegars, glucose mixtures and other compounds compelling the disclosure of the percentages of the ingredients; a feature stronger in the state law than in the national law. The national law is stronger in the matter of confectionery than the Wisconsin law.

\* \* \*

The national law relieves the dealer from responsibility if he can show a guarantee of purity from the manufacturer. This feature of the law is stronger and desirable and is made possible by the fact that the United States has jurisdiction over the entire country and over imports, whereas, a state law could adopt such features only to the extent of the manufacturers and jobbers within its own borders and such manufacturers and jobbers furnish only a limited portion of the vast food supply of the state. In all these matters it is of course assumed that the great body of consum-



ers are the ones primarily requiring protection by the law.

The securing to the ordinary consumer purity in foods and the certainty that he will get the article for which he pays is no mere holiday undertaking.

\* \* \*

Those who anticipate that the enactment of a national food law brings an immediate pure food millennium will meet with disappointment. If that glad time ever arrives it will be by the same process that Caesar was accustomed to march his armies "by slow stages." Notwithstanding this, the enactment of the national law has already produced very marked improvement in the manufacture and sale of food products. It cannot be doubted that with the vigorous enforcement of both the national and the state laws that this improvement will continue in the future and that adulterated and misbranded food products will be reduced to a minimum. But the people of this state and of the nation should realize that this beneficent result can never be accomplished without a mighty struggle. Food adulteration in this country has become entrenched to an extent that many cannot even imagine. Neither the national nor the state law will free mankind from cupidity, nor radically change human nature. While these elements of man's nature remain what they are, the struggle for purity of foods is likely to be an ever living issue.

#### BUTTER STANDARDS CHANGED.

Some scientists manifest a little tendency to swing to a theoretical extreme when they come to fix standards for use commercially. The Department of Agriculture fixed on 82.5 as the percentage of butter fat required in butter to pass muster under the new pure food law. For many years the butter makers, the trade and consumers considered 80 per cent fat and 20 per cent water a fair and just composition for butter. It is thoroughly established that too low water content affects flavor of butter unfavorably, and the trade is generally united on the proposition that 80 per cent of fat is a reasonable proportion. No little remonstrance has been filed against the raising of this standard by the Department of Agriculture, and we are pleased to announce that Secretary Wilson and Dr. Wiley have agreed to reduce the standard to that generally accepted in a commercial way—80 per cent. Prof. McKay of the Iowa College of Agriculture has been largely instrumental in securing this sensible concession and butter makers owe him thanks for his well directed and successful efforts.—*Breeders' Gazette*.

It is our impression that 16 per cent would satisfy most legitimate butter makers as a maximum for water in butter and that figure has the sanction of many foreign countries and was suggested by the Food Chemists' Committee of the National Association of State Dairy and Food Departments as corresponding with a maximum of 80 per cent fat which the food chemists recommended. The figure mentioned by our excellent neighbor, 20 per cent of water, was likely derived without consideration of the salt and curd, which amount to approximately 4 per cent.—Ed.

#### INDIAN TERRITORY EXEMPT FROM FOOD LAWS.

William Nullette, district attorney of Muskogee, I. T., claims, according to the wording of the Pure Food Bill in regard to the labeling of meats, foods and drugs, that Indian Territory is exempt. The Food Bill reads as follows, "all States and Territories, including the District of Columbia," nothing being said of Reservations, under which head Indian Territory is classed, according to Attorney Nullette.

#### ANALYSIS PROVES BREEN AND KENNEDY'S "HENDERSON BOURBON" AND "MARYLAND RESERVE RYE" BRANDS OF WHISKIES PURE.

The agitation in whisky circles over the enforcement of the National Food and Drugs Act of June 30, 1906, which became operative on the 1st of the month, has caused a number of inquiries to be made to the AMERICAN FOOD JOURNAL with regard to a number of brands of goods.

In this connection we were invited by Messrs. Breen & Kennedy, a large and reliable liquor firm of Chicago, who are the owners of the brands "Henderson Bourbon," "Maryland Reserve Rye," blended whiskies, distillers of "Cedar Creek" rye and bourbon and controllers of "John E. Day" bourbon straight whiskies, with headquarters at 187-189 Washington street, to investigate the character of their brands.

"We are confident of the purity and excellence of our goods," says Mr. Breen. "Our brands have met with public favor for twenty-seven years. We have at all times endeavored to furnish our customers with honest, high-grade and wholesome products. If our goods are not perfectly pure we are more anxious to ascertain that fact than anyone else can possibly be. We have therefore had samples of our 'Henderson Bourbon' and 'Maryland Reserve Rye Whisky' analyzed by Dr. E. N. Eaton, Director of the American Food Laboratories, and we submit his analysis and report on these goods."

The figures indicate that while the whiskies show the usual constituents of whisky, there is less "fusel oil," "tannic acid," etc., which are generally considered the deleterious constituents of whisky, than found in many samples of what is sold over the bars as the best goods. We have no hesitancy in proclaiming the products of Breen & Kennedy as pure and wholesome and among the best in the market.

Following is a certificate of Dr. Eaton's as to the character of their goods:

*"I hereby certify that 'Henderson Bourbon' and 'Maryland Reserve Rye Whisky,' as taken from stock in the open market, conform to all the tests prescribed in the eighth decennial revision (official from Sept. 1st, 1905) of the Pharmacopoeia of the United States of America for 'Spiritus Frumenti' (whisky) and contain no ingredients of a toxic or harmful nature other than those naturally present in whisky, and these in less quantity than found in most samples of high-grade whisky."*

AMERICAN FOOD LABORATORIES,

E. N. Eaton, Director.

#### THE PURE FOOD LAW LAID OUT.

Washington, December 31.—"Failure on the part of Congress to make an appropriation to carry into effect the Pure Food and Drugs Act," said Dr. W. H. Wiley, chief of the Bureau of Chemistry of the Department of Agriculture, to-day, "will delay putting into operation the machinery for making the law effective. It will be a month or six weeks, perhaps two months, before our force can be organized on a working basis. Just before Congress adjourned for the holidays, an appropriation of \$250,000 was made to be used for the enforcement of the law up to July 1 next. I have asked the civil service commission for seventy-five additional employes to assist in the work. As soon as they are certified and appointed we will get to work vigorously.



**DEATH OF RICHARD G. EVANS.**

The many friends of Mr. Richard G. Evans among the state food departments will be thrown into the deepest sorrow by the notice of his untimely death, which occurred at his residence in Pittsburg, Pa. Mr. Evans, representing the H. J. Heinz Co., frequently attended the national conventions of the State Dairy and Food Departments and by his manly deportment, earnestness of purpose and evident fairness, won the high regard of all those with whom he came in contact. He was a Kentuckian by birth, but had resided in Pittsburg seventeen years, during all of which time



THE LATE R. G. EVANS.

he was connected with the Heinz Co., working his way from lower positions to manager of the sales department and finally to director and secretary of the corporation.

Mr. Evans was but 48 years of age at the time of his death. He leaves a family consisting of a wife and a daughter, also a brother, a resident of Covington, Ky. We are sure we voice the sentiments of the food officials as well as the AMERICAN FOOD JOURNAL when we extend to the bereaved family our condolences in the loss of a fond husband, father and brother, and to the Heinz Co. in the loss of an upright, conscientious and too hard-working servant.

Commissioner Ladd, of North Dakota, is willing to harmonize the North Dakota food law with the National food law, where it can be done without injustice to the consumer.

AMERICAN FOOD JOURNAL, \$1.00 per year.

**"RICE REGULATIONS."**

The Rice Millers' and Distributors' Association of Louisiana and Texas, being in doubt as to what effect the food law would have upon their present system of polishing rice by the use of glucose, talc and paraffin, sent a delegation of men consisting of Prof. S. A. Knapp, Lake Charles; Frank A. Godchaux, Abbeville; S. B. Daniels, Donaldson; Sam Lewis, Houston, and J. E. Broussard, Beaumont, to confer with Secretary Wilson and Prof. Wiley upon the subject.

The result of their visit is contained in a report which has been issued by S. Locke Breaux, chairman of the rice conference.

In a few words, the millers are permitted to use one-thousandth part of glucose and one three-thousandth part of talc in the cleansing process, and they must tag each pocket of rice so treated as follows:

**RICE.**

Finished by coating with one-thousandth part of glucose and one three-thousandth part talc. Remove by washing.

.....  
(Name of manufacturer.)

.....  
(Place of business.)

This tag must be attached to the original package and will signify compliance with the law.

The use of paraffine will be prohibited and the millers have pledged not to use it.

**NORTH DAKOTA PURE FOOD LAW.**

J. H. Worst, director of the North Dakota Experimental Station, has presented his report to Governor E. Y. Sarles. He says in part:

"One or two weak features in our food law have been shown, and this matter will be called to the attention of the legislature with the request that the same be corrected, not for the purpose of working any hardship upon either manufacturers or jobbers but solely to guard the interests of the consuming public, and to protect the honest manufacturer, who is willing to sell his products for what they are and without resorting to short weight or measure. In the case of the drug law it is deemed advisable to make section 4 harmonize with the national drug law, particularly with regard to the sale of cocaine and methyl alcohol preparations, and also to make it perfectly clear that dentists and veterinarians have authority for the use in their practice of cocaine and its derivatives.

"I cannot, however, recommend that our state food law be wholly harmonized with the national food law, which it seems to me, with six years' experience in the practical enforcement of food laws, is in some respects defective, and would not prove as effectual in protecting our people as does the existing food law of North Dakota."

**LOUISIANA FOOD LAW.**

It is not thought advisable by the Louisiana State Board of Health to postpone action in regard to the enforcement of the new State Food law until next fall. President Irion, of the Board of Health, is quoted as saying that the State authorities would simply insist on a conformity with the National Pure Food laws for a time.

While the State Board of Health has had under advisement a number of regulations in this connection, it is deemed best to wait until a complete settlement and understanding of the National Food law regulations are had before putting the proposed rules into operation, as it is not desired that there shall be any conflict between the Federal and State regulations in this matter.—New York Journal of Commerce.



**FOOD LAW WILL BE ENFORCED.**

Secretary Wilson says: "We cannot say definitely what class of merchants or manufacturers we shall reach first in the enforcement of the Pure Food and Drugs Act, but you may take it to be certain that among the first to be reached will be the fellows who defy the law."

The secretary's statement was made after he had read a circular recently issued by the National Wholesale Grocers' Association, which said:

"There is nothing in the law that prohibits the sale of goods containing any particular coloring matter or preservative.

"Parties desiring to use fictitious names might organize firms or corporations under these names. Fictitious names may be used with impunity until next October."

"While the departmental machinery for the enforcement of the law has not been completed yet," continued Mr. Wilson, "the law is now in force and any merchant or manufacturer who violates it does so at his peril. If any of these gentlemen think they can defy the law with impunity, let them try it and I will undertake to assure them, eventually, a summons to appear before a United States court."

**CARRIE NATION COMMENDED.**

We spent last Sunday at Knoxville, Tennessee, and we saw Carrie A. Nation there at the hotel where we were stopping. She had been at Chattanooga for a week lecturing and stopped over at Knoxville on her way to Roanoke, Virginia, for a day's business. I had the nerve to speak to her, shake her by the hand and buy one of her little hatchets. She is a quaint old woman; not very large, rather short and dumpy, with a square cut, determined face and a strong voice. She wore a dinky little old fashioned bonnet and had a gray shawl with fringe around its edges folded over her shoulders, such as I have seen old ladies wear twenty-five years ago. She did not look to me like a terror by night nor a pestilence that walketh in darkness, nor a destruction that wasteth at noonday. She is merely a plain old woman who is using some very peculiar and original methods of fighting a great evil in the world. I can't say that I admire her ways of doing things, but if her work adds anything to the sum total of influences that are helping to down intemperance—and, on the whole, I think it does—I say, Hooray for Carry Nation!—A. H. Richardson to "Keota Eagle."

**DR. WILEY NOT RESPONSIBLE FOR THIS YARN.****Old Shoes Used in Spices.**

Another article which had a good market was leather. Old shoes may not be palatable as a matter of diet, but ground up into minute bits and mixed with pepper or other spices they made a profitable article of commerce. The alley scourers were able to gather a large number of shoes in a day. The best of them, of course, were not used for food purposes, but were kept for repair and disposal to old-shoe shops. It was only the most dilapidated specimens of cast-off footgear that went into the hopper of the get-rich-quick foodman.—Chicago Post.

**OLEOMARGARINE REPLACING BUTTER.**

Butter is high in price the world over this winter. It is stated that the butter market has never been so good as at this time in all of the great centers of distribution in this country. Exports amount to practically nothing from either coast. Dwellers in any great city who desire to eat a high class article must pay 40 cents a pound or thereabouts for it. Packing stock, a name which covers a multitude of faults in butter, is worth as much as the best creamery product has sometimes sold for in Chicago. Whether the dairyman is reaping a corresponding harvest remains to be seen. The probability is that he is. Simultaneously come rumors and reports of evasions of the law by handlers of oleomargarine. A press telegram a few days ago stated that in Denver

thousands of pounds of the oleo colored in imitation of genuine butter were being sold. The statement was made that the oleo, tax paid as uncolored, was shipped from the factory to Denver and there worked over, colored, made up into bricks and so started on its masquerading tour. With butter at present prices the temptation to deception of this nature is strong.—Breder's Gazette.

**INCREASE IN AGRICULTURAL BILL.**

The prospects are very good that the House committee will bring in a bill making liberal appropriations for the Department of Agriculture this year, says a Washington correspondent of the *Prairie Farmer*. The bill will probably carry about eight million dollars. The total estimates for the Department of Agriculture amount to \$7,954,680. The total appropriation for this year is \$6,930,440.

Some of the proposed increases are as follows: Agricultural experiment stations, \$803,500 to \$842,000; collecting statistics, \$108,000 to \$123,000; soil investigations, \$221,460 to \$237,240; Bureau of Entomology, \$94,610 to \$136,270; and public roads inquiries, \$70,000 to \$101,000.

The greatest proposed increase, however, is the Bureau of Chemistry, presided over by Dr. Wiley. Dr. Wiley wants \$750,000 additional to carry out the provisions of the pure food act passed last year. He wants to establish laboratories at New York, Boston, Philadelphia, New Orleans, Chicago, San Francisco, Seattle and Galveston and other cities yet to be designated. Incidentally it is proposed to increase his own salary \$1,500 per annum.—*Prairie Farmer*.

**KANSAS ADULTERATED FOOD EXHIBIT.**

The secretary of the Kansas State Board of Health is gathering samples of adulterated food stuffs sold in Kansas for an adulterated food exhibition in the state house during the session of the legislature. The exhibition will include samples of every kind of impure food sold in the state. Each sample will be labeled, showing what it is sold for, how much it costs, and the ingredients and the proportion of each. This exhibition is to be arranged to show the members of the house and senate how necessary it is to have pure food legislation at once.

**LETTER FROM NEW ENGLAND MAPLE SYRUP COMPANY.**

Boston, January 2, 1907.

American Food Journal,  
Chicago, Ill.

Gentlemen:

In your issue December 15, 1906, we call your attention to the editorial on our letter. You stated that we said that mixtures sold for 45 per cent less than genuine maple syrup. We did not make this statement, but absolutely the reverse.

In addition to that you infer that the credit is due to the state of Illinois for being able to distinguish between pure and blended maple products. We think you are wrong, as this was known fifty years ago, and we think long before Illinois had any food law. Since 1901 car loads of blended syrup have been sold for pure maple syrup in your state. There has been nothing said or done about it, and your state is not in any way entitled to any credit for food law reform or example.

We feel that whoever wrote this editorial was certainly not posted on the maple end of the food law question.

We wish to thank you for the publication of our letter.

Very truly yours,

NEW ENGLAND MAPLE SYRUP COMPANY.

E. H. Marsters, President.

**STRIKING AT BREAD BEARING LABELS.**

The Niagara Pure Food League has sent out the following appeal to consumers:

We ask you to help us in our sanitary crusade by refusing to accept any articles of diet having any kind of label on. All we ask you to do is to say to your grocer that you will hereafter buy no bread with any label on.

Bakers have been notified and mostly have agreed hereafter to have their name stamped on the pans.



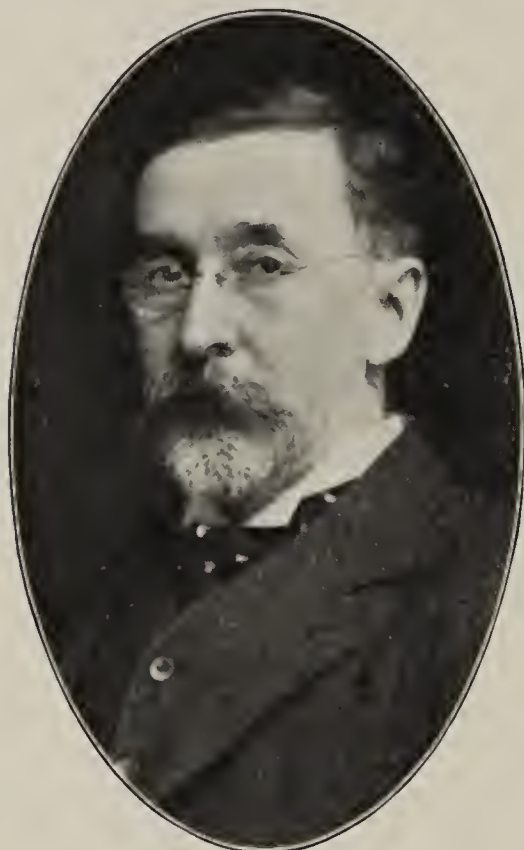
# SCIENTIFIC

## THE ICE CREAM OF COMMERCE.

BY PROF. E. H. S. BAILEY, UNIVERSITY OF KANSAS,  
LAWRENCE.

(Read before the Kan. Acad. of Science.)

When we look up the literature of the subject, we find that comparatively little has been published in re-



PROF. E. H. S. BAILEY..

gard to ice cream, either by the Department of Agriculture at Washington or the food laboratories of the various states. This apparent neglect may, however, be due to the fact that by some ice cream has been considered as belonging to the same general class as candy or confectionery, and, therefore, they would say, that if the taste is agreeable, and no poisonous or injurious ingredients are present, no exception should be taken to the product, however much it differs from the original

delicacy called ice cream.

It is evident, however, that the Federal Law does not consider it in this light, for after defining cream and giving a standard for cream that it shall not contain less than 18 per cent of milk fat, the following definition occurs: "Ice cream is a frozen product made from cream and sugar, with or without a natural flavoring, and contains not less than 14 per cent of milk fat." As no mention is made of the various thickening agents that are used in the trade, it is evident that a product containing gelatin, starch, gum, and similar thickening materials, can not legally be sold as "ice cream." There can be no objection, however, to making a food product of this character, provided nothing that is unwholesome is introduced, and after freezing it may be sold, but it is difficult to see how it can longer masquerade as "ice cream." It may be possible to create a demand for "Frozen Ice Cream Custard," "Compound Ice Cream," or "Gelatinized Ice Cream;" especially if these are sold at a lower price than genuine ice cream.

As cream or milk fat is the most expensive ingredient in ice cream, it is for the interest of the manufacturer not to use any more than is necessary to produce a satisfactory product. If the amount of fat is largely lessened, and a product having the same appearance and flavor is obtained by the use of gelatin or some other thickening material, the cost of production is much decreased.

If ice cream is regarded as having any food value

whatever, the substitution of gelatin for cream not only greatly decreases the cost, but at the same time it lowers the nutritive value of the product, for it is generally conceded that gelatin has a very low food value. It is no doubt true that in the trade, for some purpose, an ice cream without gelatin melts down too rapidly. If this is the case there seems to be no other way than to sell it under its real name, for certain specified purposes.

In addition to the cream, which may contain as high as 45 per cent of milk fat, the other substances used in compounding ice cream are milk, sugar, water, cooked starch, eggs and cream substitutes containing lime, etc., and various special preparations made from gums. The eggs increase the appearance of richness, and do really add to the food value. In addition to the above of course there is the usual flavoring material, such as vanilla, lemon and chocolate, or perhaps some natural fruit is added. In the latter case the per cent of milk fat would be naturally somewhat lowered, and this would be entirely legitimate, and is allowed in the Government standard.

In some states a lower standard than 14 per cent of milk fat is legal. As an ice cream made from a 30 per cent cream would not be so agreeable, and not so digestible, there is no demand for a product of this high grade, in fact it is probable that an ice cream containing 12 per cent of milk fat would be satisfactory to most persons.

Before giving the result of the analysis of samples of ice cream from this market, a word or two in regard to the methods of analysis may be pertinent. For the determination of fat, the methods outlined by Leach have in general been followed. The fat and proteids are thus precipitated by a copper sulfate solution, and caused to separate by whirling for an hour or more, in the cold, in a centrifuge. A convenient method for washing the proteids and fat in the testing bottle is to use a siphon tube, with a wisp of cotton over the end which is in the liquid. For the detection of gelatin, the mercury nitrate method of Stokes, with precipitation by the use of picric acid, has given satisfactory results. Several other methods tried were not satisfactory.

Samples of ice cream were obtained, usually through the local health officers, in eight of the cities of the state. The amount of gelatin was estimated approximately by the density of the precipitate, and is reported on a scale of 1 to 6, the latter number representing the maximum quantity found in any of the samples. The results are given in the accompanying table:

Locality.	Gelatin.	Milk fat.	Remarks.
Chanute, No. 1.....	5	7.2	
" No. 2.....	4	6.0	
" No. 3.....	1	3.0	
" No. 4.....	3	13.8	
" No. 5.....	6	9.6	
Wichita, No. 1.....	1	12.0	
" No. 2.....	4	8.4	
" No. 3.....	3	9.6	
" No. 4.....	3	12.6	
" No. 5.....	4	4.8	
" No. 6.....	1	2.7	Contains borax.
Atchison, No. 1.....	6	10.8	
" No. 2.....	2	5.7	Contains starch.
Parsons, No. 1.....	4	6.9	
" No. 2.....	4	10.8	
Hutchinson, No. 1.....	2	4.8	
" No. 2.....	2	12.3	
Leavenworth, No. 1.....	3	4.2	
" No. 2.....	trace	3.9	
" No. 3.....	3	6.0	



Lawrence, No. 1....	0	18.4	
" No. 2.....	0	16.8	Chocolate flavor.
" No. 3.....	3	13.2	
" No. 4.....	4	13.2	
" No. 5.....	0	18.3	Contains starch.
" No. 6.....	4	11.4	
" No. 7.....	3	13.2	
" No. 8.....	0	15.0	
" No. 9.....	0	13.2	
Topeka, No. 1.....	3	4.5	Contains starch.
" No. 2.....	1	11.4	
" No. 3.....	3	6.9	
" No. 4.....	4	10.8	Contains starch.
" No. 5.....	4	7.2	Trace starch.
			Chocolate flavor.

All the samples analyzed were flavored with vanilla, unless otherwise specified. No other preservatives except those noted were found. The average quantity of milk fat is 9.66 per cent. If the analyses are compared with the U. S. standard for ice cream it will be seen that only four are above 14 per cent of milk fat, but 35 per cent are above the standard of 12 per cent suggested.

Only a few of the samples contain starch, but gelatin and similar "fillers" seem to be universally used in this market. The range of fat from 2.7 per cent to 18.4 per cent is very great. The lowest grade will not even pass muster as "pure dairy milk." If the dealer who sells the highest grade attempts to compete with the vender who puts the lowest grade on the market, the former is at great disadvantage. Of course prices may be so adjusted that this seeming advantage disappears, but there would be a constant tendency to sell a product for more than its merits demand.

From the result of the examination of the ice cream on this market, then, it is very evident that prices should be made to correspond with the quality of the product sold, and that there should be a reform in the naming of much of the material which is sold to the public as ice cream.

#### A RAPID METHOD FOR THE ESTIMATION OF FAT IN THE PRESENCE OF CANE SUGAR

ROBT. C. BEERS, CHIEF MILK TESTER, CITY OF CHICAGO HEALTH DEPARTMENT LABORATORY.

The increased number of samples of condensed milk and the crusade on ice cream this year brought into prominence a problem heretofore of little practical importance in the health department laboratory. Some quick accurate method of estimating the percentage of butter fat in sweetened products of milk must be found. The Babcock centrifugal method of fat determination, which with unsweetened milk and cream gives a clear sharply defined column of fat in the neck of the test bottle, gives, in the presence of even a slight amount of cane sugar, a black mass in which the fat is completely hidden. The explanation is simple. The strong sulphuric acid which is added to the sample as one step in the test chars the cane sugar, giving an insoluble mass lighter than water. This is thrown up into the neck of the bottle, together with the fat, which is also lighter than water, by the centrifugal force, when the bottles are whirled in the second step in the test. To avoid this trouble either of two principles have heretofore been used.

First, abstract the sugar and make the regular test on the residue, and second, abstract the fat and weigh directly.

Leach advised the removal of the sugar and described a method for doing it. A few trials convinced me that this was a tedious and not altogether satisfactory way.

Of the methods using the second principle, the Adams continuous extraction with ether and the Warner-Smith method with immiscible solvents were objectionable, as they were inaccurate as well as lengthy. So a method of our own devising was perfected.

Some work had been done on it a year ago, but most of the details are results of this year's experience. As now carried out the test is very simple. Nine gr. (instead of 18 as in the Babcock test) of the sample are weighed into a milk testing bottle, which is then filled almost to the neck with a mixture of equal parts of strong hydrochloric acid and glacial acetic acid. This is heated until just black, and the bottle whirled in the centrifuge with the addition of water to bring the fat within the graduations of the neck of the bottle. The resulting fat column is read from markings on the bottle. This reading doubled gives the percentage of butter fat in the original sample.

At first only 6 gr. of the sample were used, but repeated trials showed that 9 gr. gave as clear readings and had two distinct advantages. The scales and weights used for weighing the cream samples also served here, thus making extra weights unnecessary, and also any error in reading was only doubled instead of tripled, as was the case if 6 gr. were used. In weighing ice cream and almost all condensed milks, they were drawn up into the regular pipette and blown directly into the bottle until the required amount had been delivered. In a few cases with thick condensed milk, this could not be done, so the sample was weighed, dissolved in the acid in a glass beaker, the final resulting solution poured into the test tube. This added a little to the time required for the test, but seemed unavoidable.

The acid mixtures used has never been tried before, as far as I know. Hydrochloric acid alone chars the sample on heating almost as badly as sulphuric acid, and, therefore, is useless. Acetic acid alone will not dissolve the milk solids, but the mixture works perfectly. Various proportions of the two acids were tried until it as seen that equal parts of each gave the best results. The mixture is made up in quantities and used as needed. The amount for each sample need not be measured exactly. Experiments proved that the filling of the bottle as full as possible and still leaving room to shake the contents, saved time and gave good results. This means practically 17 c. c. of each acid. In this, as in all cases here hydrochloric acid is used, even with normal milk, heating must be resorted to in order to completely dissolve the proteids, but must not be continued after the sample becomes black, or charring will result.

A hot water or steam bath is the best method of applying the heat. The heated sample is then placed in the centrifuge with the regular sample and treated exactly as an ordinary milk sample, except that the fat reading is doubled. The special treatment takes about five minutes. Strong sulphuric acid may be used in place of the hydrochloric acid and all the other details carried out just the same, except that the heating is not required. The only objection is that the action of the acid mixture on the proteids and cane sugar is not as well under control as when the hydrochloric acid is used.

In actual practice the method as described takes very little time, as other work is done while the heating is going on. When a number of special samples are run through at the same time, very quick work is



possible. Twelve samples have been completed in half an hour.

To prove the accuracy of the test, the results of 24 ice cream samples were compared with the results on the same samples tested according to the directions given by Leach. In all cases the differences were small.

As a further proof, unsweetened milks and creams having fat contents ranging from 2 per cent to 20 per cent were tested by our method and also by the Babcock centrifuge method, and the results practically agreed.

For our purpose this gives an almost ideal test, as it is accurate and yet requires very little time, while only such chemicals as are always in the laboratory and no extra apparatus are necessary.

## Domestic Food Science

### TWO VALUABLE RECEIPES.

Two English delicacies of ancient origin—good old English plum pudding and cheesecakes—are confections which have graced the plenteous board of our English neighbors on feast days in times gone by and their merits have been praised by English poets and novelists for many centuries.

That they still hold their place in the hearts of Englishmen is proven by the fact that each family guards carefully its own chosen recipes for these dainties.

We are indebted to an Englishman—Mr. C. W. Hind, who is a connoisseur in all the good old customs of his country—for a very excellent recipe for each of these old-time dishes.

We herewith print them for those who may be interested:

#### English Curd Cheesecakes.

Turn a good quart of new milk with a teaspoonful of rennet. Drain the curds very dry over cheesecloth.

Rub into the curd 2 oz. of butter,  $2\frac{1}{2}$  oz. finely powdered sugar,  $2\frac{1}{2}$  oz. currants.

The grated rind of a good coarse lemon (or, if preferred not too strong, of a small lemon).

One small teaspoonful of ground cinnamon. The yolks of 2 eggs and the white of one—beaten separately; 2 tablespoonfuls of brandy. Add to other ingredients and beat well.

Line tart tins with a good short crust—fill and bake a nice light color.

#### Pastry for Cheesecakes.

One and one-half pounds flour,  $\frac{1}{2}$  lb. lard,  $\frac{1}{4}$  lb. butter, pinch of salt,  $1\frac{1}{2}$  teaspoonfuls of baking powder.

Curd Mixture: 2 lbs. sweet curd (made from new milk only).

Beat up  $\frac{1}{4}$  lb. butter, 6 oz. sifted sugar—beat up into the curds—grate on it the rind of 1 lemon, beat thoroughly 4 eggs, and mix in above;  $\frac{1}{4}$  lb. clean good currants; add a wineglassful of brandy or rum, mix thoroughly; lemon may be omitted and essence of almonds used instead, or a flavor of ground cinnamon. May bake in old tea saucers.

#### English Plum Pudding.

(C. W. HIND'S OWN RECIPE.)

One-half pound stoned raisins,  $\frac{1}{2}$  lb. currants,  $\frac{1}{2}$

lb. brown sugar,  $\frac{1}{2}$  lb. grated stale bread,  $\frac{1}{2}$  lb. flour,  $\frac{1}{4}$  lb. mixed candied peel (citron, lemon and orange),  $\frac{1}{2}$  nutmeg grated,  $\frac{1}{2}$  teaspoonful ground spices, cinnamon, ginger, etc.;  $\frac{1}{2}$  teaspoonful salt,  $\frac{3}{4}$  lb. finely chopped suet, 2 or 3 eggs,  $\frac{1}{4}$  teacup brandy.

Mix thoroughly, using just sufficient new milk to make a not *stiff* mixture.

Tie up in a cloth (not too tight), boil or steam 4 hours. Serve brandy sauce or flavored cup custard (brandy).

What remains can always be reheated in a double boiler that has a little water under the plate on which the pudding—to be heated—rests.

### SKIM MILK AS FOOD.

The milk which is richest in cream is not the most nutritious, for the very simple reason that a rich milk is less easily digested and absorbed than a milk in which the fat percentage is low. As far as its other constituents are concerned, a milk poor in fat is as valuable a food as a milk rich in fat. The fat percentage, the popular standard by which milk is judged, is most valuable, while the proportions of the albuminoids, sugars and salts vary but little in the different samples of milk. In other words, while the energy producing and heat giving qualities of the several kinds of milk may be great or little, the valuable proteid ingredients which go to the building up of the tissues—the prime property of any food—remain very much the same in all varieties of cows' milk.

Thus a "thin" milk is for all purposes, save for energy and heat production, as valuable a food as the so called "rich" milk. Indeed, it not infrequently happens, as the experimental breeding of young growing animals has shown, that a thin milk may prove, in the long run, more flesh forming than a rich milk, inasmuch as the former is less liable to induce gastroenteric disorders. Let us consider what this means. It means, first of all, that the enormous quantity of skim milk produced in this country could be turned to more economical use than the feeding of animals or the manufacture of "ivory" for table knives and piano keys. The despised skim milk is a valuable article of food, capable of supplying many of the wants of the organism, and, from its lightness and digestibility, peculiarly suitable to those whose digestive powers are debilitated. It means, further, that buttermilk, which can be had for the asking almost everywhere in this country, is also a valuable food for men and women, although at present utilized only to feed pigs. Surely if he is esteemed the greatest benefactor to the race who can grow two grains of corn where only one grew before, in like manner honor should be paid him who rescues a waste product and transforms it into a valued article of a nation's diet.

### TROUBLES LURKING IN CUP OF TEA.

One hears a great deal about the alcohol and opium habits and various other drug addictions, says a physician, but rarely does one hear a word concerning a very common and, in many cases, very injurious habit—namely, the tea habit.

This habit is much more common in England, Russia and China than in the United States, but one would hardly say that it is uncommon here.

The stimulating effect of tea is due to an alkaloid identical with the caffeine found in coffee. This principle is a valuable medicinal agent, but, taken habitually, exerting as it does a powerful stimulating effect upon the heart and nervous system, it is a very serious matter. Some persons drink tea a long time without suffering any inconvenience; others gradually develop a train of symptoms which begin with loss of appetite, dyspepsia and various stomach derangements, followed by nervous palpitation of the heart, insomnia, dreams, broken sleep, incapacity for mental work,



neuralgia and various organic ailments. Fatigue follows the slightest effort. The complexion assumes a pasty gray color, the body becomes thin and emaciated, and approaching decrepitude is suggested by the appearance and every action of the victim.

Of course, it does not follow that every one who drinks tea, even liberally, will suffer like this, but it is well for everyone to know what may happen.

#### **"RICE TOO HIGH PRICED."**

The millers are combining to make rice cheaper and the growers are forming an association to make it dearer. The consumer's sympathies are with the millers. Rice has not become a staple food on every man's table at every meal, as it should, for the reason that the prices are too high, as compared with the prices of other cereals.

Such men as Dr. S. A. Knapp and Prof. Galloway of the United States Agricultural Department, both of whom have looked into the rice industry and whose investigations have been far-reaching, have expressed themselves, saying that rice will have to become cheaper: that the industry will never reach the place it should in this country until the cereal is placed within the reach of every man. For instance, the Japanese consume about 400 pounds of rice per capita. In America the per capita is something like five or six pounds. Should the per capita be raised to forty pounds annually it would require every acre of rice land in the country to supply the demand. There could not possibly be such a thing as overproduction.

The people will not eat rice unless it is placed within their reach. It is a luxury at the present time, when it should be one of the necessities. It will be considered a luxury so long as prices remain at the present figures.

Cut down the price and the consumption will be many times the present insignificant amount per capita.

#### **"DENATURIZED TEA."**

Seven thousand pounds of tea were damaged by salt water when the steamer Mongolia stranded at Midway Island, off the coast of California. There is a law which requires tea below standard to be either destroyed or exported. It has been discovered, however, that the tea may be profitably used in tanning hides, and the Treasury Department has granted a request that it be used in this way instead of destroying it, it being provided that the tea be so treated as to destroy its efficacy as a beverage.

The tea if it had arrived in good condition would have been worth about 22 cents per pound, or \$15,400 for the lot. The tanners will pay between \$10,000 and \$11,000 for the adulterated tea.

THE AMERICAN FOOD JOURNAL, for the purpose of increasing the number of its readers in domestic circles, makes the following liberal offer: On the receipt of \$4.00 we will send THE AMERICAN FOOD JOURNAL for one year and a beautiful 42-piece set of dishes with any initial desired burnt in gold on every piece. This beautiful set of decorated dishes cannot be duplicated in exclusive crockery stores for much less than \$10.00, and in most cities is not obtainable at any price. Dishes are shipped direct from the factory, freight paid by party to whom goods are consigned. Take advantage of this unprecedented offer.

#### **FOOD REGULATIONS IN GERMANY.**

"After I had finished my beer, still feeling thirsty, I called for some fruit," said the tourist. "But the waiter shook his head.

"You won't get fruit and beer together in Berlin, Herr," he said.

"Why not?" said I.

"It is against the law, Herr," the waiter replied. "There is a law here in Germany that no one is to be served beer and fruit together. If a restaurateur breaks this law he loses his license.

"It is a good law," the waiter added. "It is based on good sound sense. Beer and fruit don't mix. They are bad for the stomach. Sometimes they cause death.

"Since that time," the tourist ended, "I have never mixed beer and fruit. It is a strange idea, isn't it, to have food laws like that? Suppose President Roosevelt should pass a law forbidding the eating at the same meal of ice cream and lobster, or mince pie and plum pudding. What a howl would go up, eh?"—Hotel Gazette, New York.

#### **SUCCESS OF SAXONY'S PURE FOOD LAWS**

United States Consul Hurst, at Plauen, Germany, has furnished some interesting information about the efforts of the Saxon Government to secure pure food for its people. The Kingdom of Saxony has about the population of the state of Ohio. Five years ago it was decreed that at least thirty samples of food, beverages, or utensils should be inspected for every thousand inhabitants every year. This work is done by two state institutions, three municipal inspection laboratories and fourteen subordinate laboratories, all under the control of the royal government. In the year 1904 there were 115,480 analyses, of which many were made at the request of storekeepers who wished to know the quality of the goods they were selling.

It is found that the inspection system is gradually driving impure foods out of the markets. The policy of the government has been to be conciliatory, and to lead rather than drive the makers and sellers of food products. The result, according to Consul Hurst, is that the inspection system "has not only gained the confidence of the consuming public, but apparently that of manufacturers and merchants. The laboratories are accordingly looked upon by all classes as an unqualified boon."

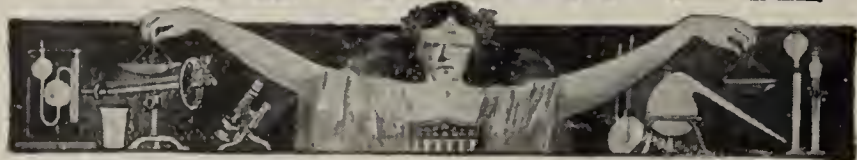
In several cases butchers to whom new preservatives were offered took them to the laboratories, and upon finding that they were injurious declined of their own accord to use them. The favorite adulterant for sausage was found to be meal or bread. Only one sample was found to be artificially dyed, but several were spoiled. Butter often had too much water, sometimes reaching nearly a third of its weight, and occasionally too much salt. Oleomargarine was often sold for pure butter. Olive oil frequently contained cheaper oils, and fruit jams were found with glucose, grape skins and dyes. One manufacturer made "pure plum jam" of beets, but stopped when it was pointed out to him that this was not entirely consistent with the pure food laws. Tea and coffee were not adulterated, although chicory was sold as a substitute for coffee. Wine was almost entirely pure, but cognac, rum and cordials often had chemical treatment.

The Saxon dealers and manufacturers do not meet the laws in a spirit of opposition. "Most dealers," says the consul, "are not only contented with the supervision, but apparently grateful for the information given."

Read our Premium offer on opposite column.



# THE AMERICAN FOOD JOURNAL



Published Monthly at 334 Dearborn Street, Chicago

By H. B. MEYERS & CO.

Telephone Harrison 2473

Subscription, \$1.00 Per Year Foreign Subscription, \$1.50

Address all communications and remittances and make drafts, checks and money orders payable to THE AMERICAN FOOD JOURNAL, 334 Dearborn Street, Chicago.

All reading and advertising matter to appear in THE AMERICAN FOOD JOURNAL must be received at this office on or before the 12th of the month.

COPYRIGHT, 1907, BY H. B. MEYERS.

## DR. WILEY SUPPORTS HIS VIEWS.

Chicago's famous \$25,000.00 cartoon artist McCutcheon recently caricatured the President dispatching moral messages to Congress by showing an army of officers running at topmost speed between the White House to the Capitol, each with a message to Congress, and an equal number, hatless and breathless, running in the opposite direction for more messages.

President Roosevelt says that in the matter of writing multitudinous public documents he has reformed and events indicate that it was no New Year's resolution and he meant it. The example, however, seems to have been lost on Dr. Wiley, who is not perfectly happy without one bulletin in the mailing room and another on the press.

The latest (9:30 a. m., Saturday morning) is one on "Foreign Trade Practices in the Manufacture and Exportation of Alcoholic Beverages and Canned Goods," being the result of an investigation made during and returning from the annual meeting of the Society of Chemical Industry in London.

The ostensible reason for the inspection was that it would aid in the adoption of just and effective standards for imported goods. The real reason for the publication of this bulletin is to cull out and propagate at public expense certain facts and fancies which might help to sustain a pre-asserted opinion. The facts regarding the manufacture of wines and brandies in the various foreign countries have been very fully given by our consuls in France, Germany and other countries and published in the consular reports issued by the Department of State. Probably our representatives in Great Britain have been equally efficient in reporting information concerning the manufacture of whisky. The State Department, however, was not pulling Dr. Wiley's chestnuts out of the fire and so he devised a method of extracting them himself. Among the sensational statements credited to him last year was one to the effect that 85 per cent of the whisky sold in the country was adulterated. In the hearings on the Food Bill he caused considerable amusement by trying to manufacture with dope different kinds of whisky, which, however, the Congressman who sampled them could not recommend. While he has constantly opposed the contentions of the blenders that their goods are entitled to be called whisky

and has partially won the Secretary of Agriculture and of course his standard committee to his views, the path to the attainment of his wishes has not in all places been strewn with flowers. At this time he doubtless feels that a commendation from himself to himself would be particularly opportune, so he devises the happy thought of publishing bulletin No. 102.

It may be remembered that during the last session of Congress when the Food and Drugs Act was under consideration Dr. Wiley in denying the right of blends to the term "whisky," referred to an English trial in which a publican had been cited to appear in court for selling a bottle of whisky which was not of the character, quality and kind demanded and said that he held a telegram in his hand which read "Whisky Defendants Convicted."

Mr. Mann asked: "Did you not see the account in the newspapers?"

"Yes," Dr. Wiley said, "this morning, but this came yesterday."

He also referred to the magistrate as saying in reply to testimony to the effect that blends were purer than so called "straight" whisky. "Well, perhaps this is true. If so, why not say this is a blended whisky—because then you will get the trade."

Mr. Ryan, a member of the committee, said: "But this was not the question at issue in this case was it?" Dr. Wiley said: "That was the question at issue." The newspapers of Washington and Associated Press dispatches from Washington to all parts of the country heralded the decision as one against the sale of blended whisky as whisky while the real question was whether blends were entitled to be called *Scotch* or *Irish* whisky. This misrepresentation and its source was exposed in the AMERICAN FOOD JOURNAL at the time.

The true facts were later forced to be admitted by Dr. Wiley.

It scarcely looks as if any further comfort could be extracted from this decision, which has now been appealed to a higher tribunal of Great Britain.

In bulletin No. 102 descriptions of the manufacture of Scotch and Irish whiskies, English trade regulations, definitions, etc., together with a full text of the decision above referred to are introduced to support one opinion or conclusion, stated hereinafter.

Official (British) definitions are given for "spirits," "foreign spirits," "British spirits," "plain spirits," "spirits of wine," "compounded spirits," "liquors and tinctures," "sweetened spirits," "obscuration," "vatting," "blending," "mixing" and "filling." Then follows the comment: "In the light of the above definitions it does not appear that the mixing of malt whisky, such as that described at first, with grain spirits can be justly called 'blending.' The two spirits are entirely of a different class and therefore the word 'blend' does not correctly designate the resulting product." It is interesting in this connection that neither "malt spirits" nor "grain spirits" are defined in the official definitions, however, that may only be an oversight on the part of the British officials.

Story tellers are always given plenty of latitude in introducing their yarns. Speaking of dogs may remind one of angels and a thrilling account of a marine accident to the killing of game on the western frontier. Such poetical license should be allowed Dr. Wiley. One word in the opinion is officially defined. "Blending" is defined as putting together wines or spirits of similar sorts. The question is what are



wines or spirits of similar sorts! It is admitted that the English, working under their own definition allow the use of the term blend on all spirit mixtures.

To interpret it differently is to interpret it different from their own customs in following these definitions. Just what may be included under the term "blend" is certainly not an easy proposition, and we are willing to let our contributors fight it out, but it is certain that Dr. Wiley has not materially strengthened his position of denying the right of blends to the term whisky by the publication of the present bulletin.

#### MAPLE MIXTURES.

The New England Maple Syrup Co. take exception to our stating on their authority that "mixtures of maple syrup sell for 45 per cent less than genuine maple syrup. They claim they said just the reverse. The reverse of the statement would be that "Genuine maple syrup sells for 45 per cent less than mixtures." This statement would be difficult to believe. The exact form of statement we find to be "Pure maple syrup and sugar sell for 45 per cent more than the blended," which would convey the same idea to the consumer as the statement we made.

The firm also think we were wrong in the inference that to the state of Illinois belongs the credit for distinguishing between pure and blended maple products, as this was known 50 years ago, before Illinois had any food law. We wish to correct or at least qualify this idea. What we said was, that up to the time Illinois made and published its investigations no chemist had detected the presence of cane sugar in maple products. We submit on this point we are right and the maple sugar company is wrong. Several Food Commissioners had previously reported on one or two maple syrups mixed with glucose, but none which were claimed to be adulterated with cane sugar.

The most extensive investigation before that time was by the U. S. Department of Agriculture, in 1891, who employed five different chemists in five different states to examine 178 samples each of molasses, sugar, confectionery, etc. Only a few maple goods were included in these analyses, and none pronounced adulterated with cane sugar. Thus in 18 samples of maple syrup examined by Mr. S. P. Sharpless, a noted sugar chemist, but two were reported adulterated and these with glucose.

Three maple sugars were reported by Mr. H. A. Huston, state chemist of Indiana, who accompanied his report with the remark: "As has before been intimated, there is a popular belief that maple sugar is largely adulterated with cane sugar derived from other sources. The chemical identity of these sugars, however, prevents any chemical detection of such alleged adulteration."

If any chemical method of distinguishing these sugars were known fifty years ago, the knowledge must have been confined to the New England Maple Syrup Company, as even less than twenty years ago, and but ten years before the Illinois investigation, as we prove, it was even considered by the best chemists a chemical impossibility.

In our Directory of Food Control Officials, which has been a feature of our paper with the initial number, we incorrectly stated the name of C. H. Kjellquist, one of the Illinois Food Inspectors, as C. J. Kjellquist. We make the proper correction in this issue, and suggest that "What to Eat," and other imitators correct their directories accordingly.

#### WHO KILLED COCK ROBIN?

Dr. Wiley in defending his estimate of expenditures before the House Committee on Agriculture is quoted as saying that the successful opposition to the food standards clause in the appropriation act for the Department of Chemistry came from the whisky interests.

Is this the whole truth?

Undoubtedly one branch of the whisky trade opposed the placing in the hands of Dr. Wiley the power to fix standards as much as another branch of the whisky interests favored and supported any proposition to give authority to Dr. Wiley to make standards. And this before any actual standards had been formulated for whisky as had been done for many other food products under authority conferred by Congress in preceding years. Each branch of the booze business, however, knew exactly what they were about and where their interest and advantage lay. Each branch undoubtedly used questionable methods and arguments to sustain their contention. Thus the "Bottled in Bond" branch by a generous and judicious disposition of fire water managed to get their goods endorsed by the National Association of State Dairy and Food Departments and also through corruption of the secretary of the association succeeded in financing the association exhibit as a side show to their own exhibit in St. Louis, all for the purpose of influencing legislation and food standards.

Other trade interests while jockeying for advantages for their wares in the wording of the National Food Law overlooked or did not deem important the authority to make standards conferred by the appropriation act.

The actual effective opposition to the standards of the agricultural chemists and to the method of deriving standards came from the Association of State Dairy and Food Departments lead by Dr. E. N. Eaton, chairman of the Food Standards Committee of that organization. Dr. Eaton, in papers delivered before that association, pointed out that the standards already prepared and promulgated were illogical and false—many of them ridiculous, and mistakes were made that would not have been made had food chemists been represented on the committee. That the criticisms were just is evidenced by the fact that an entirely new set of tentative standards (afterwards promulgated as official) were prepared on flavoring extracts and edible oils in which almost every definition and standard was revised to meet Dr. Eaton's suggestions and that is about the only schedule that trade criticism has been able to change one syllable or figure.

The Association of State Dairy and Food Departments also thought that its members being daily engaged in food control work, should have been represented in the preparation of standards. While persistent attempts to misrepresent Dr. Eaton and the Association of State Dairy and Food Departments were made by Dr. Wiley and Secretary Allen it failed to accomplish the desired result and Congress refused to sanction the standards proposition, and it now is in force only through intrigue and subterfuge. Dr. Wiley has indeed strengthened his position by placating the Food Commissions by a subordinate representation of men of his own choosing as members of his Standard Committee and also by use of political power and pressure in removing Dr. Eaton from official activity, yet the facts of the absurdities in the agricultural chemists' standards stand out clearer and clearer every



day, and industries that were apathetic when their friends were being butchered for championing a just cause are beginning to see the error of their way.

The creamery men for example are a numerous and powerful body and will succeed in changing the butter standard from 82½ per cent to 80 per cent, the figure suggested in the food chemists' standards.

The immense distilling interests, using, as they do, a large part of the corn crop of Illinois and paying a bulk of the revenue of the country, may get what Secretary Wilson has promised considerate treatment, and if so, and attention is also given to the rights of the consumer, the definitions and standards for "whisky," "blends" and "compounds" will not be radically different from the food chemists' definitions.

The glucose interests are likewise the farmers' interests as a large part of the corn crop is turned into that commodity, and we may expect changes in the rulings to allow a more liberal and unrestricted use of glucose in food where such use will not prejudice the rights of the consumer. But, the unorganized and smaller industries will undoubtedly have to take their medicine and conform to illogical and unnecessary standards until men with practical knowledge of food manufacture and marketing gain ascendancy in the counsels of the Secretary of Agriculture. It seems that Congress itself is not able to curb the ambition of Dr. Wiley to become the food dictator of the country.

### INTRODUCING PLANTS FROM NORTHERN ASIA.

Professor Niels E. Hanson of the University of South Dakota has discovered some new varieties of alfalfa and clover in the cold arid regions of northern Asia, where he was sent by Secretary Wilson to do research work in the plant kingdom.

It is thought these native plants of the north will be valuable to our farmers of the great Northwest to be used in rotation of crops. He also found an alcohol potato which needs very little or no moisture, and will produce from 500 to 600 bushels per acre; they are also a rich cattle feed, but not fit for human food.

Professor Hansen's family came from Denmark, a country noted for its hardy adventurous people. We would be more than satisfied if these seeds and plants which he is transplanting from northern Asia to northern America would but develop and be of as much value in their new surroundings as has been our clever countryman, who is himself of transplanted family.

### "COLORADO FOOD LAW."

Harry Eugene Kelly will introduce in the Colorado House of Representatives about the day this paper goes to press a pure food measure, which has the endorsement of the Federated Woman's Clubs of the state and the regular Republican organization. From the account we get of it it is good and bad in spots. It is being pushed most aggressively by the medical societies, and has the appearance of being intended more to increase the revenues of physicians rather than to protect the health or the pocket book of the consumer. The enforcement of it is to be placed in the hands of the State Board of Health, which method has never yet resulted in a satisfactory enforcement of food laws. We reserve decision on the merits of the bill until we receive a complete draft of the measure.

### "DON'T FORGET THE TIP."



CHICAGO DAILY JOURNAL.

An erroneous impression has gained currency, which is illustrated by the cartoon which we reproduce, that Congress has refused to make an appropriation for the carrying out of the new National Food and Drugs Act. This is due to the unfortunate wording of some remarks on the enforcement of the law by Dr. Wiley, who, however, did not intend to convey the impression that Congress had refused to make an appropriation. As a matter of fact, twenty-five thousand dollars, all that was asked for by Secretary Wilson, has been appropriated for the carrying out of the Act, and preparations have already been made to spend it. The appropriation asked for was modest, and the country can depend upon its being judiciously and economically used, as Dr. Wiley can never be justly accused of extravagance in the management of his department. Dr. Wiley has recommended an increase of \$1,500 in his salary, which should be granted, as the salary now given is not commensurate with the ability required to handle the department and the responsibility attached thereto.

### ORDERS "POISON" REPORT.

Representative May of Virginia introduced a resolution in the house seeking information concerning the death of Robert Vance Freeman, a former member of Dr. Harvey W. Wiley's "poison squad." The resolution asks that Secretary Wilson be requested to advise congress under what authority the Department of Agriculture conducted experiments with borax, and to state what was the effect of tests with preservatives upon Mr. Freeman.

"What To Eat," with characteristic energy and good judgment, intends to send a newspaper reporter south to discover the cause and cure of zymotic diseases.

Begin the year right by sending in your subscription to THE AMERICAN FOOD JOURNAL, 334 Dearborn street, Chicago. \$1.00 per year.



## Food Notes

The Chicago Health Department has issued an edict that after January 15, 1907, all carcasses sold within the city shall be tagged with the municipal as well as government inspection stamp.

\* \* \*

Henry Carter, his daughter Mabel Carter, and Charles Edward Abbott, were poisoned from eating canned beans on a camping trip. Death was the result in all three cases. They were residents of Ontario, Cal.

\* \* \*

Prof. C. F. Curtiss, director of the Iowa Experiment Station, is asking that the present pure food law be expanded to cover stock foods and seed, in which he says there is much adulteration and misrepresentation.

\* \* \*

Joel G. Winkler, E. B. Heiberg and W. G. Graham were fired from the Minnesota Food Department owing, it was said, to lack of state appropriation, but political pressure soon brought the governor to time, and all were re-appointed.

\* \* \*

Secretary Huntley has prepared a new food and drug bill, which he will ask the Indiana legislature to enact into law.

\* \* \*

Rock Island, Ill., papers are clamoring for a state food law. Seven years is almost too long to sleep. Come out of it!

\* \* \*

Vermont has a new food and drug act modeled in some respect after the national law, but with additions and changes to meet local conditions.

\* \* \*

The entire Kizen family of Fayette, Texas, are said to have been poisoned on milk. One, Albert, is dead, and the others are not expected to live.

\* \* \*

Several families in Hendersen, Pa., were poisoned by eating souse brought in from the country. Hendersen people will leave souse off their menu for the rest of the season.

\* \* \*

Mrs. Ben Eicks of Sterling, Ill., ate pork for breakfast and was taken violently ill immediately afterwards. Physicians diagnosed the case as one of ptomaine poisoning.

\* \* \*

E. D. Aderhold, of Neenah, president of the Wisconsin Cheese Makers' Association, in his annual report says much filthy milk is received by cheese manufacturers in Wisconsin.

\* \* \*

Mr. Shriewsberry, discharged because of his alleged political activity during the late state campaign, will stay fired. The department is now on a beautiful political basis, and the blanket civil service law, effective January 1, will keep it that way.

\* \* \*

Every member of the family of Meyer Franklin, of Niles, Mich., is ill from drinking milk. The milk was kept in a stone jug previously scalded, and kept

in a cool cellar. The milkman maintains the milk was O. K. Samples have been sent to the State Dairy and Food Commissioner for analysis.

\* \* \*

Saunders J. Jones & Company, of Louisville, Ky., secured an injunction against Commissioner Ladd of North Dakota enjoining him from giving out reports containing result of whisky analysis. The injunction was a little too late, however, as the report had already been sent to newspapers and elsewhere.

\* \* \*

On Tuesday, the Pure Food Law, which requires all comestibles and medicines to be sold under their true names and correctly labeled, went into effect. On the same day a youth went to a New York hospital to get rid of a stomach full of chicken salad he had eaten, and which his father, a cook, had dressed with bicycle oil. What's the use.—Danville, Ill., Democrat.

\* \* \*

Dr. N. K. Foster, state health officer for California, is preparing a food bill along the lines of the national law, which he will submit to the legislature of the Golden State. Mrs. Maude Crew, chairwoman of Food Committee of Federation of Women's Clubs, and Representative Percy V. Hammon have also prepared a bill which the latter will introduce in the California legislature this winter.

\* \* \*

Minnesota drops an assistant commissioner and five inspectors on a plea of economy. It had been the intention of Commissioner Slater to ask the state legislature for an increased appropriation and an additional force to carry on the work, but owing to the expected enforcement of the national law and consequent lessening of state work he did not feel justified in even recommending the retention of the present force.

\* \* \*

An editor of a St. Louis trade journal sent circulars to the retailers announcing that on January 1st nine thousand inspectors would be sent out by the government to enforce the national food law and that it would be a loss to the retailers to have goods not complying with the law. He offered for the price of one dollar to send them a copy of the law. It is not known how many were frightened into buying the copy of him, but the jobbers in much haste informed their customers that they could sell their goods anywhere if the labels state their contents.

---

We acknowledge receipt of address of President Emma Gary Wallace of the Woman's Organization before the National Association of Retail Druggists at Atlanta, Ga., October 3, 1906.

Copies of the constitution and by-laws of the organization will be sent to members of druggists' families who are urged to join. Membership fee is \$1.00, payable to the general secretary, Mrs. Adelaide M. Godding, Boston, Mass.

---

Minnesota Food Commissioner E. K. Slater has decided that on account of the rush of work and the heavy draft on the services of his chemistry department he will have to call a halt in the examination of food samples submitted for chemical analysis. He has therefore given official notice to this effect.

Labels may be submitted as before and the department will pass on their legality under the law.



## FOOD NOTES

### FROM FOREIGN COUNTRIES

#### OIL AND WINE ADULTERATED.

Consul D. I. Murphy of Bordeaux writes the following interesting report about the wines of France:

"The use of fictitious names, or 'contremarques,' is common throughout France. The law of June 23, 1857, protects the French manufacturer in their use and authorizes him to employ such trademarks as he pleases, provided he has them duly registered. It is a common thing for manufacturers and exporters to label olive oil of secondary or inferior quality with fictitious names or trademarks, reserving their own proper names for their highest grade of goods. Many large American concerns order oil from the packers here with directions for special labels bearing some particular names or trademarks of their own.

"While immense quantities of olive oil are shipped to the United States under fictitious names, it must not be presumed that all, or any considerable portion of it, is adulterated. Many of the names herein given are well known to the trade and the public generally, being the trademarks of reputable houses. Some of the fictitious names bear a somewhat suspicious resemblance to the names of well known houses, and their use may be intended to mislead. Two of them . . . may easily be mistaken for . . . one of the oldest and most reputable concerns in all France. I have the assurances of the packers, however, that these misleading names are insisted upon by customers in the United States.

"Aside from those dealing largely in oils, many of the packers of canned goods and preserved goods export oil with trademarks of their own. In addition to these, many of the wine exporting houses supply their trade in the United States with olive oils, each particular concern having its own trademark. As in the case of the shippers of canned and preserved goods, only one or two of them manufacture or refine. They, too, have the large oil packers supply their orders.

What has been said regarding exporters of olive oil using their own proper names only for their goods of first quality holds true of the packers of preserved fruits and vegetables and of the wine merchants. It would require a volume to give the fictitious names used by them, the records of the Tribunal of Commerce showing hundreds and hundreds of registrations, and it would require another volume to contain all the names insisted upon by American dealers.

"That there is adulteration of wine goes without saying, but to state the extent of or point out the parties engaged in it is a difficult proposition. It is known that certain unprincipled dealers or brokers buy up the entire output of some of the vineyards where good wine is produced, and with the addition of alcohol and water multiply the output many times over. On this subject in a recently published statement Mr. Guillaume Chastenet, in the French Assembly, declared the 'overproduction of wine from which the wine districts of France are suffering is mostly due to fraud.' The growers were suffering because of this fraudulent increase in the wine crop, and the manufacture of artificial wines had developed prodigiously. 'To-day,' said Mr. Chastenet, 'the consumption and production of

wines might balance if it were not for the fifteen or twenty millions of hectoliters (396,255,000 gallons to 528,340,000 gallons) of sugar wines, or manufactured wines of all kinds, made with the lees and sulphuric acid.' Examination of the matter leads me to believe with Mr. Chastenet that among the growers there is practically no fraud. The trouble is with certain dealers or brokers, who practice what is called 'mouillage' or adulteration with water and alcohol.

"Quite recently Mr. Guyot-Dessaigne, Minister of Justice, addressed to all the prosecuting attorneys throughout the different departments of France a circular relative to the safeguarding of the public health. In this circular the minister declares that 'the government is more than ever determined to repress all fraud, notably that which is too frequently practiced in the wine trade.' A number of convictions have been secured.

"The blending of wines is carried on quite extensively; but this seems to be a natural and harmless proceeding, so long as no adulterants enter into the equation. Large quantities of Algerian wines are imported here, and while some of it is utilized as a blend by a certain few of the merchants, the bulk of it, I find, is shipped through to Paris and other parts of France. Of the amount of Algerian wine imported in 1905, approximately, 140,000 gallons, only 8 per cent, remained in Bordeaux, according to official figures.

"There is undoubtedly considerable false labeling on what are known as the 'classed wines.' Of the Chateau Margaux wine there are at this time in stock in Bordeaux about 2,000,000 bottles of different years' vintages, but how many bottles so labeled and sent abroad really contain the excellent product of that famous chateau cannot be told.

"The renowned Pontet Canet Chateau produces annually about 300,000 bottles, but much more than that amount is put on the market each year.

"The Chateau Lafite output is about 200,000 bottles, but much of the wine masquerading under that label is innocent of contact with the well-known vineyard. And the same is true of most all the classed wines.

"To prevent this false labeling it can only be suggested that in addition to the name of the producer and the chateau on the label, there should appear also the name of the merchant or importer who handles the product.

"Having given much time to the study of oils and wines, I am led to believe that olive oils exported to the United States from Bordeaux bearing the names of well-known and old-established firms are really what they purport to be—pure olive oils. And it may also be accepted that wines bearing the names of Bordeaux's high-class merchants are pure and free from adulteration. I have the assurance of men in the trade that they would be glad if the government of the United States would forbid the use of any names on packages containing other than those food products of the exporters, the multiplicity of fictitious names arising in great measure from the demands of large American buyers."

Armour & Co. are to erect large packing houses just out of London to convince their British consumers of the wholesomeness of their products, their trade in the British Isles having been reduced by the recent defamation of American meats.

AMERICAN FOOD JOURNAL, \$1.00 per year.



## BOOK REVIEW

"Eating to Live," a book for everybody, by John Janvier Black, M. D. 12mo, 412 pages, 1906. Published by J. B. Lippincott Co.

This book gives in an attractive and readable way facts about food which should be much more generally known. Particularly valuable are the chapters devoted to "Climate and Diet," "Fruits as Food," and "Diet in Diabetes, Gout and Tuberculosis."

"A Text Book of Elementary Analytical Chemistry." By John H. Sony, M. S., Professor of Chemistry, Northwestern University Medical School. 12mo, cloth; \$1.50. P. Blakiston, Son & Co., publishers.

"Elements of General Chemistry," with experiments. 12mo, cloth; \$1.50. P. Blakiston, Son & Co., publishers.

That these works have passed through three and four editions, respectively, attest their popularity among instructors.

## FIXTURES

**Time and Place of Holding Conventions, Food Shows and Expositions Relating to Pure Foods.**

### CONVENTIONS.

Pueblo, Colo.—State Retail Grocers' and Butchers' Association, Jan. 18, 1907. I. R. Gardner, Retail Merchants' Assn., Denver, Colo.

Hartford, Conn.—State Dairymen's Assn., Jan. 16-17, 1907. J. G. Schweik, Meriden, Conn.

Joliet, Ill.—State Dairymen's Assn., Jan. 16-17, 1907. Geo. Caven, 154 Lake street, Chicago, Ill.

Sycamore, Ill.—Illinois State Producers Institute, Feb. 20-21, 1907. J. M. McVean, secretary, 184 La Salle street, Chicago, Ill.; H. S. Earley, vice president, Sycamore, Ill.

Louisville, Ky.—American Dining Car Superintendents' Assn., Feb. 20-21, 1907. F. M. Dow, Illinois Central R. R., Chicago, Ill.

Saginaw, Mich.—State Dairymen's Assn., Feb. 13-15, 1907. S. J. Wilson, Flint, Mich.

Duluth, Minn.—Retail Grocers' and General Merchants' Assn., Minnesota, Feb. 12-14, 1907. Jno. J. Ryan, 27 E. 7th street, St. Paul, Minn.

Owatonna, Minn.—State Dairymen's Assn., Jan. 22-24, 1907. J. R. Morley, Owatonna, Minn.

Columbus, O.—Board of Health State Conference, Jan. 24, 1907. C. O. Probst, 185 E State street, Columbus, O.

Harrisburg, Pa.—State Dairy Union, Jan. 22-25, 1907. W. E. Perham, Niagara, Pa.

Wausau, Wis.—State Buttermakers' Assn., Feb. 5-8, 1907. J. G. Moore, Wausau, Wis.

### FOOD SHOWS.

Providence, R. I.—Third Annual Providence Food Show. Given by the Butchers' and Marketmen's Association of Rhode Island. Infantry Hall. Feb. 11-23, 1907. C. H. Green and E. J. Rowe, managers, 277 Broadway, New York City.

### TEXAS.

Dallas—National Retail Grocers' Assn., Jan. 22-24, 1907. William Gray, 428 De Kalb av., Brooklyn, N. Y.

San Antonio—Texas Retail Merchants' Assn. First Annual Pure Food Show, February, 1907.

Houston, Texas.—Second Annual Food Show of Retail Grocers' Assn., March, 1907.

### EXPOSITIONS.

Norfolk, Va.—Jamestown Exposition, April 20 to Nov. 30, 1907.—Food Products Exposition. H. St. George Tucker, president; G. T. Sheppard, secretary.

Chicago—First National Packers' Exposition, Coliseum Building, May 1st to 11th, 1907. Chas. F. Gunther, president; Ben Leven, vice president; Stewart Spalding, secretary and treasurer, and James N. Sechrest, general manager, 903 Merchants Loan and Trust Building, 135 Adams street, Chicago.

### FIRST NATIONAL PACKERS' EXPOSITION.

Some months ago a notoriety seeking journalist succeeded in having published and spread broadcast a so called novel in which the methods of the meat packing industry were grossly misrepresented. Its pages were interspersed with hysterical, ultra-sensational incidents to make a muck rake story. Naturally enough the public, always eager for sensation, devoured the book with avidity, and it paved the way for hundreds of untrue statements concerning one of the nation's greatest industries. These falsifications and exaggerations were printed in newspapers and magazines and scattered from one end of the country to the other.

This was undesirable publicity.

More recently an organization has been formed to give expositions in Chicago and New York whose purpose will be to show in their true light the methods of preparing, inspecting and packing meat and other food products for the market. The plan has as its chief aim the dispelling of the erroneous impressions created in the public mind by the unscrupulous methods of such sensation seekers as the writer of the above mentioned novel. The organization is the National Packers' Exposition Company, and the first exposition will be held at the Coliseum, Chicago, May 1 to 11, 1907.

This is desirable publicity.

Few publicity projects have ever been started with a higher aim or a greater possibility of accomplishing their purpose. The National Packers' Exposition will enable the packers and manufacturers to right a great wrong that has been done them. The public has been given the sensational side of the story, and it is now to be given the ungarnished truth and will not have to take the word of writers more or less correctly informed on the subject. By actual demonstration the methods of manufacture, inspection and packing will be revealed at the exposition. It is desired that complete working exhibits be made showing the different steps of packing and manufacture from the raw material to the finished product. Live working exhibits are to be shown as far as possible, as this is to be an exposition of processes, illustrating the saying "What one sees he knows." Many striking features in the way of exhibits are being planned. One of these will include a review of the process of catching and preparing salmon for the market, with a mimic representation of the Columbia river, an actual stream stocked with live fish brought from that river. Another proposed feature is a mammoth industrial parade on the opening day of the exposition in which it is expected that all exhibitors will take part, and thus more general publicity for both exhibitor and exposition will be secured.

This exposition has the endorsement of the best business men of the country and is officered by Chas. F. Gunther, president; Ben Sevin, vice president; Stewart Spalding, secretary and treasurer; and James N. Sechrest, general manager.

Its aim, like that of the American Food Journal, is to interest people in pure food by condemning falsehood and presenting actual facts, and consequently we give the exposition our unqualified approval.

### APPENDICITIS AND SIMPLE LIVING.

Dr. Senn attributes the comparative immunity of the South Sea islanders from attacks of appendicitis principally to their diet, which is laxative, easily digested and not liable to cause fermentation in the gastrointestinal canal. Appendicitis does occur in these islands, but this disease is extremely rare as compared with the frequency with which it is met in Europe, and more especially in the United States. The Americans are the most injudicious and reckless eaters in the world, which goes far in explaining the prevalence of gastric and intestinal disorders among our people.—Medical Standard.

Send in Two Dollars and we will send you the entire back numbers of THE AMERICAN FOOD JOURNAL for 1906 and put you on the list for 1907.



# PURE FOOD LAWS

## AND SUPREME COURT DECISIONS OF STATES

### FOOD LAWS OF MICHIGAN.

(Continued from last month.)

4977. *State analyst and assistant chemist; salaries and expenses.* The commissioner, by and with the consent of the Governor, shall appoint a suitable and competent person as State analyst, who shall be a practical analytical chemist. The commissioner, in like manner, may appoint an assistant chemist. Before entering upon the duties of their offices, they shall take, subscribe and file in the office of the Secretary of State the constitutional oath of office. Their term of office shall continue during the pleasure of the commissioner. The Board of State Auditors shall provide a room in connection with the Dairy and Food Commissioner for the laboratory of the State analyst and his assistant, and the necessary furniture and fixtures therefor. In case of the absence or inability of the State analyst or his assistant to perform their duty, the commissioner may appoint some competent person to perform the same temporarily, which person shall take, subscribe and file the constitutional oath of office. The salaries and expenses authorized by this section shall be for the unexpired part of the fiscal year ending June thirty, nineteen hundred five, and each fiscal year thereafter, said salaries to be payable monthly on the warrant of the Auditor General. The salary of the chemist shall be not to exceed two thousand dollars; the salary of the assistant chemist shall be not to exceed twelve hundred dollars. The actual and necessary expenses of the chemist and the assistant chemist, in the performance of their official duties, shall be audited by the Board of State Auditors, and paid upon the warrant of the Auditor General. Such an amount as is found to be necessary in the proper performance of the work of the analyst may be expended for chemical supplies. Such compensations, expenses and supplies shall be certified, audited and paid in the same manner as the salaries, expenses and supplies of similar officers.

4978. *Duties of commissioner; prosecution, inspection, etc.; penalty for keeping unsanitary bakeries, confectionaries, etc.* It shall be the duty of the Dairy and Food Commissioner to carefully inquire into the dairy and food and drink products and the several articles which are foods or drinks, or the necessary constituents of foods or drinks, which are manufactured or sold or exposed or offered for sale in this State, and he may, in a lawful manner, procure samples of the same and direct the State analyst to make due and careful examination of the same, and report to the commissioner the result of the analysis of all and any of such food and drink products or dairy products as are adulterated, impure or unwholesome in contravention of the laws of this State; and it shall be the duty of the commissioner to make a complaint against the manufacturer or vendor thereof in the proper county and furnish all evidence thereof, to obtain a conviction of the offense charged. The Dairy and Food Commissioner, or his deputy, or any person appointed by him for that purpose may make complaint and cause proceedings to be commenced against any person for the enforcement of any of the laws relative to adulterated, impure or unwholesome food or drink, and in such case he shall not be obliged to furnish security for costs and shall have power, in the performance of their duties, to enter into any creamery, factory, store, salesroom, drug store, or laboratory, or place where they have reason to believe food or drink are made, stored, sold or offered for sale and open any cask, tub, jar, bottle or package containing, or supposed to contain, any article of food or drink and examine or cause to be examined the contents thereof, and take therefrom samples for analysis. The person making such inspection shall take such sample of such article or product in the presence of at least one witness, and he shall, in the presence of said witness, mark or seal such sample and shall tender at the time of taking to the manufacturer or vendor of such product, or to the person having the custody of the same, the value thereof, and a statement in writing for the taking of such sample. Whenever it is determined by the Dairy and Food Commissioner, his deputy or inspectors, that filthy or unsanitary conditions exist or are permitted to exist in the operation of any bakery, confectionary, or ice cream plant, or in any place where any food or drink products are manufactured, stored, deposited

or sold for any purpose whatever, the proprietor or proprietors, owner or owners, of such bakery, confectionary or ice cream plant, or any person or persons owning or operating any plant where any food or drink products are manufactured, stored, deposited or sold, shall be first notified and warned by the commissioner, his deputy or inspectors to place such bakery, confectionary or ice cream plant, or any place where any food or drink products are manufactured, stored, deposited or sold in a sanitary condition within a reasonable length of time; and any person or persons owning and operating any bakery, confectionary or ice cream plant or any place where any food or drink products are manufactured, stored, deposited or sold, failing to obey such notice and warning, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not less than twenty-five dollars nor more than three hundred dollars and costs of prosecution, or imprisonment in the county jail not to exceed ninety days, or until such fine and costs are paid, or both fine and imprisonment in the discretion of the court.

4979. *Seizure and analysis of suspected products; prosecution; forfeiture and sale.* The commissioner, his deputy or any person by said commissioner duly appointed for that purpose, is authorized at all times to seize and take possession of any and all food and dairy products, substitutes therefor, or imitation thereof kept for sale, exposed for sale or held in possession or under the control of any person which in the opinion of the said commissioner, or his deputy or such person by him duly appointed, shall be contrary to the provisions of this act or other laws which now exist or which may be hereafter enacted.

First, The person so making such seizure as aforesaid, shall take from such goods as seized a sample for the purpose of analysis and shall cause the remainder thereof to be boxed and sealed and shall leave the same in the possession of the person from whom they were seized, subject to such disposition as shall hereafter be made thereof according to the provisions of this act.

Second, The person so making such seizure, shall forward the sample so taken to the State Analyst for analysis, who shall make an analysis of the same and shall certify the results of such analysis, which certificate shall be prima facie evidence of the facts therein certified to in any court where the same may be offered in evidence.

Third, If upon such analysis it shall appear that said food or dairy products are adulterated, substitutes or imitations within the meaning of this act, said commissioner, or his deputy or any person by him duly authorized may make complaint before any justice of the peace or police justice having jurisdiction in the city, village or township where such goods were seized, and thereupon said justice of the peace shall issue his summons to the person from whom said goods were seized, directing him to appear not less than six nor more than twelve days from the date of the issuing of said summons and show cause why said goods should not be condemned and disposed of. If the said person from whom said goods were seized cannot be found said summons shall be served upon the person then in possession of the goods. The said summons shall be served at least six days before the time of appearance mentioned therein. If the person from whom said goods were seized cannot be found, and one can be found in possession of said goods, and the defendants shall not appear on the return day, then said justice of the peace shall proceed in said cause in the same manner provided by law where a writ of attachment is returned not personally served upon any of the defendants and none of the defendants shall appear upon the return day.

Fourth, Unless cause to the contrary thereof is shown, or if said goods shall be found upon trial to be in violation of any of the provisions of this act or other laws which now exist or which may be hereafter enacted, it shall be the duty of said justice of the peace or police justice to render judgment that said seized property be forfeited to the State of Michigan, and that the said goods be destroyed or sold by the said commissioner for any purpose other than to be used for food. The mode of procedure before said justice shall be the same as near as may be in civil proceedings before justices of the peace. Either parties may appeal to the circuit court as appeals are taken from justices' courts, but it shall



not be necessary for the people to give any appeal bond.

Fifth, The proceeds arising from any such sale shall be paid into the State treasury and credited to the general fund: *Provided*, That if the owner or party claiming the property or goods so declared forfeited can produce and prove a written guarantee of purity, signed by the wholesaler, jobber, manufacturer or other party from whom said articles were purchased, then the proceeds of the sale of such articles, over and above the costs of seizure, forfeiture, and sale, shall be paid over to such owner or claimant to reimburse him, to the extent of such surplus, for his actual loss resulting from such seizure and forfeiture, as shown by the invoice.

Sixth, It shall be the duty of each prosecuting attorney when called upon by said commissioners (commisisoner) or by any person by him authorized as aforesaid, to render any legal assistance in his power in proceedings under the provisions of this act, or any subsequent act relative to the adulteration of food, for the sale of impure or unwholesome food or food products.

4980. *Unlawful for analyst to furnish certificates of purity.* It shall be unlawful for the State Analyst, while he holds his office, to furnish to any individual, firm or corporation, any certificate as to the purity or excellence of any article manufactured or sold by them to be used as food or in the preparation of food.

4981. *Annual report.* The commissioner shall make an annual report to the Governor on or before the first day of July in each year, and which shall be printed and published on or before the first day of September next thereafter, which report shall cover the doings of his office for the preceding fiscal year which shall show, among other things, the number of manufactories and other places inspected, and by whom, the number of specimens of food articles analyzed, and the State Analyst's report upon each one; the number of complaints entered against persons for violation of the laws relative to the adulteration of food, the number of convictions had, and the amount of fines imposed therefor, together with such recommendations relative to the statutes in force as his experience may justify. The commissioner shall also prepare, print and distribute to all the papers of the State, and to such persons as may be interested, or may apply therefor, a monthly bulletin in suitable paper covers, containing results of inspection, the results of analyses made by the State Analyst, with popular explanation of the same, and such other information as may come to him in his official capacity relating to the adulteration of food and drink products and of dairy products, so far as he may deem the same of benefit and advantage to the public; also a brief summary of all the work done during the month by the commissioner and his assistants in the enforcement of the laws of the State, but not more than ten thousand copies of each of such monthly bulletin shall be printed.

4982 *Penalty for obstructing commissioner.* Any person who shall willfully hinder or obstruct the Dairy and Food Commissioner, or his deputy, or other person or inspector by him duly authorized, in the exercise of the powers conferred upon him by this act, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine of not less than ten dollars nor more than one hundred dollars, or by imprisonment in the county jail for not less than ten days nor more than ninety days, or both such fine and imprisonment in the discretion of the court.

4983. *Appropriation for salaries and expenses.* The sum of thirty-five thousand dollars is hereby appropriated for the fiscal year ending June thirty, nineteen hundred six, and for each fiscal year thereafter, there is hereby appropriated the sum of thirty-five thousand dollars. Out of the amounts appropriated by this act shall be paid all salaries and expenses and chemical supplies provided for therein: *Provided*, That all expenses for stationery and printing shall be audited and paid in the same manner as other State printing and stationery.

4984. *State tax to cover appropriations.* (1) The Auditor General is hereby directed to annually add to and incorporate into the State tax, to be levied each year, the sum of thirty-five thousand dollars, which, when collected, shall be credited to the general fund to reimburse the same for the money appropriated by this act.

(2) *Inspection of dairies, cheese factories, etc.; instruction by inspectors.* It shall also be the duty of the Dairy and Food Commissioner to foster and encourage the dairy industry of the State, and, for that purpose, he shall investigate the general conditions of the creameries, cheese factories, condensed milk factories, skimming stations, milk stations and farm dairies in this State, with full power to enter upon any premises for such investigation, with the object in view

of improving the quality and creating and maintaining uniformity of the dairy products of the State; and should it become necessary, in the judgment of the Dairy and Food Commisisoner, he may cause instruction to be given in any creamery, cheese factory, condensed milk factory, skimming station, milk station, or farm dairy, or in any locality in this State, and in order to secure the proper feeding and care of cows, or the practical operation of any plant producing dairy products, and in order to secure such a uniform and standard quality of dairy products in this State, he shall furnish a sufficient number of competent inspectors for that purpose, the appointment of whom is provided for in section four of this act, and they shall be duly qualified to act as such inspectors.

(3) *Penalty for sale of impure milk.* Whenever it is determined by the Dairy and Food Commissioner, his deputy or inspectors, that any person is using, selling or furnishing to any skimming station, creamery, cheese factory, condensed milk factory, milk depot, farm dairy, milk dealer, the retail trade or any consumer of milk, any impure or unwholesome milk or cream, which impurity or unwholesomeness is caused by the unsanitary or filthy condition of the premises where cows are kept, or by the unsanitary or filthy care or handling of the cows, or from unclean utensils being used, or from unwholesome food, or from any other cause, the person so using, selling or furnishing to any skimming station, creamery, cheese factory, condensed milk factory, milk depot, farm dairy, milk dealer, the retail trade, or to any consumer of milk, any such milk or cream, shall first be notified and warned by the commissioner, his deputy or inspectors not to use, sell, or furnish such milk or cream to such skimming station, creamery, cheese factory, condensed milk factory, milk depot, farm dairy, milk dealer, the retail trade, or to any consumer of milk, and any person failing to obey such notice and warning, and continuing to use, sell or furnish to any skimming station, creamery, cheese factory, condensed milk factory, farm dairy, milk dealer or to the retail trade such impure or unwholesome milk or cream, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine not less than ten dollars, nor more than fifty dollars, and costs of prosecution, or imprisonment in the county jail, not to exceed ninety days, or until such fine and costs are paid, or both fine and imprisonment in the discretion of the court.

(4) *Unsanitary conditions of creameries, cheese factories, etc.; penalty.* Whenever it is determined by the Dairy and Food Commissioner, his deputy or inspectors, that unsanitary conditions exist or are permitted to exist in the operation of any skimming station, creamery, cheese factory, condensed milk factory, milk depot, or farm dairy, the proprietor or proprietors, or manager of said skimming station, creamery, cheese factory, condensed milk factory or farm dairy, shall be first notified and warned by the commissioner, his deputy or inspectors to place such skimming station, creamery, cheese factory, condensed milk factory, milk depot or farm dairy in a sanitary condition, within a reasonable length of time; and any person or persons owning or operating such skimming station, creamery, cheese factory, condensed milk factory, milk depot, or farm dairy, failing to obey such notice and warning, shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not less than twenty-five, nor more than three hundred dollars, and costs of prosecution, or imprisonment in the county jail, not to exceed ninety days or until such fine and costs are paid, or both fine and imprisonment in the discretion of the court.

(5) *Registration of creameries, cheese factories; reports; fee.* It shall be the duty of the proprietor or proprietors of every skimming station, creamery, cheese factory, condensed milk factory or milk depot, in the State where milk or cream is received by purchase or otherwise from three or more persons, to register with the Dairy and Food Commissioner on or before April first of each year, upon blanks furnished by said official, the location of such skimming station, creamery, cheese factory, condensed milk factory or milk depot, and the name of its owner or owners and manager. And it shall be the duty of the proprietor or proprietors of every skimming station, creamery, cheese factory, condensed milk factory or milk depot in this State, where milk or cream is received by purchase or otherwise from three or more persons, to file a report with the Dairy and Food Commissioner, said report to be made on or before April first of each year, upon blanks furnished by said official, and to show the amount of milk or cream received by said skimming station, creamery, cheese factory, condensed milk factory or milk depot during the year ending December thirty-first preced-



ing; and said report shall show the amount of butter, cheese or condensed milk manufactured during the year, together with a list of the names and postoffice addresses of the patrons of said skimming station, creamery, cheese factory, condensed milk factory or milk depot. Every skimming station, creamery, cheese factory, condensed milk factory or milk depot, so registering and so reporting, shall pay to the office of the State Dairy and Food Commissioner an annual registration fee of five dollars, to be paid at the time of such registration. The money so collected by the Dairy and Food Commissioner shall be paid into the State treasury and be used to help defray the expenses of the office of the Dairy and Food Commissioner, in addition to the annual appropriation therefor.

(6) *Milk license; fees; penalty.* Any person, persons or corporation who shall sell milk or cream from a wagon or other conveyance, depot or store, or who shall sell or deliver milk or cream to a hotel, restaurant, boarding house or any public place, shall be considered a milk dealer; and every milk dealer who shall sell milk or cream from a wagon or other conveyance, depot or store, or who shall sell, or deliver milk or cream to a hotel, restaurant, boarding house or any public place in any city, town or village of this State, must first obtain a license from the Dairy and Food Commissioner to sell such milk or cream. A license shall be required for each wagon or other conveyance, depot or store. Each dealer shall pay to the Dairy and Food Commissioner a license fee of one dollar for each license so granted, which license must be obtained on or before the first day of July of each year. The moneys received by the Dairy and Food Commissioner, in payment of such licenses, shall be paid into the State treasury and be used to help defray the expenses of the office of the Dairy and Food Commissioner in addition to the annual appropriation. All licenses shall be used only in the name of the owner of the wagon, depot or store, and shall, for the purpose of this act, be prima facie evidence of ownership. No license shall be sold, assigned, or transferred. Each license shall record the name, residence, place of business, number of wagons, depots or stores used (where more than one is employed) and the number of the license. Whoever violates any of the provisions of this section, in so far as relates to registration and the securing of licenses, shall be deemed guilty of a misdemeanor, and for each and every offense shall be punished by a fine of not less than five dollars, nor more than twenty-five dollars and the costs of prosecution, or by imprisonment in the county jail for not more than thirty days, or both.

(7) *Sale of concentrated commercial feeding stuffs; label; definition; trade-mark, certified analysis and fee; sampling and analysis by commissioner.* Any manufacturer, company, person or persons who shall sell, offer or expose for sale or for distribution, in this State, any concentrated commercial feeding stuff used for feeding live stock, shall furnish with each car, or other amounts shipped in bulk, and shall affix to every package of such feeding stuff, in a conspicuous place, on the outside thereof, a plainly printed statement, clearly and truly certifying the number of net pounds in the car or package sold or offered for sale, the name of trade-mark under which the article is sold, the name of the manufacturer or shipper, the place of manufacture, the place of business, and a chemical analysis, stating the percentages it contains of crude protein, crude fibre, nitrogen, free extract and ether extract, all constituents to be determined by the methods adopted by the association of official agricultural chemists. Whenever any feeding stuff is sold at retail, in bulk or in packages belonging to the purchaser, the agent or dealer shall furnish to him a certified copy of the chemical analysis named in this section.

(a) The term concentrated commercial feeding stuffs as used in this act shall include linseed meal, cotton seed meal, pea meals, cocoanut meals, gluten meals, oil meals of all kinds, gluten feeds, maize feeds, starch feeds, mixed sugar feeds, hominy feeds, rice meals, oat feeds, corn and oat feeds, meat meals, dried blood, clover meals, mixed feeds of all kinds, slaughter house waste products; also all condimental stock foods, patented and proprietary stock foods, claimed to possess nutritive properties and all other materials intended for feeding to domestic animals: *Provided*, That such feeding stuffs, as defined above, shall not include hays, straws, folders, ensilage, the whole seeds nor the unmixed meals made directly from the entire grains of wheat, rye, barley, oats, flax-seed, maize, buckwheat, wet brewers' grains, malt sprouts, wet or dried beet pulp when unmixed with other materials. Neither shall it include wheat, rye and buckwheat brans or middlings not mixed with other substances, but sold separately as distinct articles of commerce, nor pure grains ground together.

(b) Before any manufacturer, company, person or persons shall sell, offer or expose for sale in this State any concentrated commercial feeding stuff, he or they shall, for each and every feeding stuff bearing a distinguishing name or trade-mark, file annually, with the Dairy and Food Commissioner a certified copy of the chemical analysis and certificate referred to in this section, and shall deposit with said Dairy and Food Commissioner a sealed glass jar, or bottle, containing at least one pound of the feeding stuff to be sold or offered for sale, together with an affidavit that it is a fair sample of the article thus to be sold or offered for sale. He or they shall also pay annually into the State treasury a license fee of twenty dollars for each and every brand of feeding stuff he offers or exposes for sale in this State. Said fee is to be paid on or before April first of each year: *Provided*, That whenever the manufacturer or importer shall have paid this license fee, his agents shall not be required to do so. Whenever any manufacturer, importer, agent or seller of any commercial feeding stuff desires at any time to sell such material and has not paid the license fee therefor, he shall pay the license fee prescribed in this section, before making any such sale. The money collected under the provisions of this act shall be paid into the State treasury and be used to help defray the expenses of the office of the Dairy and Food Commissioner, in addition to the regular appropriation therefor.

(c) Whenever the manufacturer, importer, agent or seller of any commercial feeding stuff shall have complied with the requirements of this section, the Dairy and Food Commissioner shall issue or cause to be issued, a license, permitting the sale of said feeding stuff, which license shall terminate on April first following the date of issue.

(d) All such analyses of commercial feeding stuffs required by this act, shall be made under the direction of the Dairy and Food Commissioner, and shall be paid for out of the funds arising from the license fees provided for in this section.

(e) The Dairy and Food Commissioner shall publish, or cause to be published in bulletin form, at least annually a correct statement of all analyses made, together with any incidental information concerning same which he may deem proper.

(f) Any manufacturer, importer, company, agent, person or persons, who shall sell, offer or expose for sale, without first complying with the provisions of this act, any commercial feeding stuff, or shall attach or cause to be attached to any car, package or other quantity of said feeding stuff, an analysis stating that it contains a larger percentage of any one or more of the constituents named in this section than it really does contain shall, upon conviction thereof, be fined not less than three hundred dollars for the first offense, and not less than three hundred dollars for every subsequent offense, and the offender shall also be liable for damages sustained by the purchaser of such feeding stuff on account of such misrepresentation.

(g) The Dairy and Food Commissioner, by any duly authorized agent, is hereby authorized to select from any package of commercial or other feeding stuff exposed or offered for sale in this State, a quantity not exceeding two pounds for a sample, such sample to be used for the purposes of an official analysis and for comparison with the certificate filed with the Dairy and Food Commissioner, and with the certificate affixed to the package on sale.

(8) *Annual report of commissioner.* The published annual report of the Dairy and Food Commissioner which shall be made to the Governor, shall include a complete accounting of all moneys received by the department from every source, and the amount expended by the department.

(9) *Repeal.* All acts and parts of acts inconsistent with this act so far as they are inconsistent are hereby repealed.

This act is ordered to take immediate effect.

4985. *Imitation butter.* No person, by himself or his agents, or servants, shall render or manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell, any article, product or compound made wholly or in part out of any fat, oil or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, which shall be in imitation of yellow butter produced from pure unadulterated milk or cream of the same: *Provided*, That nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine in a separate and distinct form, and in such manner as will advise the consumer of its real character, free from coloration or ingredient that causes it to look like butter.

4985. *Penalty.* Whoever violates any of the provisions of section one of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by



a fine of not less than fifty dollars nor more than five hundred dollars, and the costs of prosecution, or by imprisonment in the county jail or State House of Correction and Reformatory at Ionia for not less than six months nor more than three years, or by both such fine and imprisonment, in the discretion of the court, for each and every offense.

2243. *Butter substitutes in public institutions.* That the use of oleomargarine, butterine, or any other substitute for butter, in any of the public institutions of this State, be and the same is hereby prohibited.

2244. *Penalty.* Any warden, superintendent or other officer of any such institution, who shall knowingly violate the provisions of *section one of this act*, or shall knowingly permit the same to be violated shall be deemed guilty of a misdemeanor and every violation shall constitute a separate offense and on conviction thereof shall be punished by a fine of not less twenty-five, nor more than one hundred dollars, together with costs of prosecution, or by imprisonment in the county jail of the county in which said institution is situated, not exceeding ninety days, or by both such fine and imprisonment, at the discretion of the court.

#### MAPLE PRODUCTS.

5009. *False labels; penalty.* Any person, dealer, firm, manufacturer, or corporation, who shall falsely stamp or misrepresent or label any cans, jugs, jars, or packages, containing maple molasses, or maple syrup, or maple sugar, that is in any wise adulterated, or knowingly permits such [misrepresentation] misrepresentations or false stamping or labeling, shall be deemed guilty of a misdemeanor, and punished by a fine, not more than five hundred dollars, or by imprisonment in the county jail for a period of not more than one year, or by both such fine or imprisonment, in the discretion of the court.

Compiled Laws 1897, vol. 2, p. 1584.

#### MEAT.

SEC. 1. *Inspector, licenses, and public abattoirs authorized in cities, etc.* Any city or village in this State may appoint an inspector or inspectors of animals and meat supplies intended for human consumption therein, license the sale thereof, provide for the regulation of slaughter-houses wherein such animals intended for use as human food in such city or village are slaughtered, and the markets and places where meat intended for consumption as human food is kept or offered for sale within such city or village, the vehicle in which such meat is transported, or from which same is sold, offered for sale or disposed of for said purpose; and cause to be erected and maintained a public abattoir therein and regulate the use thereof.

SEC. 2. *Application for license; revocation.* No person or persons shall vend or offer for sale in any city or village having an inspector of meats as provided by this act, any meat intended for human consumption, whether slaughtered within such city or village or elsewhere, unless licensed so to do by the board of health of such city or village. Any person or persons desiring so to do may apply to the board of health of such city or village for a license; but the clerk shall not issue same until the applicant therefor presents a statement in writing signed by him which shall state fully and explicitly:

(a) The name and residence of the applicant.

(b) The exact location or place from which said applicant obtains his meats, whether slaughtered by himself in whole or in part.

(c) The manner in which said applicant intends to dispose of his meats when licensed.

(d) A written consent granting permission to the meat inspector, the health officer or his representative, or any member of the board of health, the mayor or any alderman of said city, or the president and trustees of said village free and open access to the slaughter-house in which he proposes to slaughter and the market or vehicle owned, leased or occupied by him from which his meat is sold, for the purpose of making inspection of the said premises, market or vehicle. Blanks for such applications shall be furnished by the clerk. Each applicant for a license shall also stipulate in writing that he will faithfully conform and cause the slaughter-house, market or vehicle owned, leased or occupied by him to comply in all respects with the requirements of the ordinance of said city or village enacted under the provisions of this act, and pay such license fee as shall be prescribed therein. The city or village clerk shall not issue any such license until the meat inspector shall have examined into the sanitary condition and cleanliness of the slaughter-house to be used by the applicant, or the market where his meat is to be sold, or the

vehicle in which it is to be transported or from which it is to be sold or offered for sale, and shall certify that same comply with the requirements of the ordinance in force therein. The mayor of said city or president of said village may at any time revoke and suspend any license issued pursuant thereto if, upon investigation and report of the meat inspector and after hearing the holder of such license summarily, he shall find the condition of the slaughter-house where meat is slaughtered, or the market or vehicle or the meat offered for sale to be in violation of the provisions of said ordinance filthy or detrimental to the public health; which revocation shall continue until such person shall have fully complied with the requirements of this act and the provisions of the said ordinance. This section shall apply to slaughter-houses whether situated within or without the city or village limits.

SEC. 3. *Tests and requirements to exclude unwholesome meat.* Each city or village having a meat inspector under the provisions of this act shall establish by ordinance such tests and requirements in conformity herewith as are necessary for the purpose of excluding from within its limits for sale or use as human food any diseased or unwholesome meat, meat which has been prepared, dressed or stored in an unsanitary or filthy place, or handled or transported in an unsanitary or filthy manner; and each city or village shall authorize and empower its inspector or inspectors to enforce such tests and requirements, and shall provide and enforce suitable penalties for the violation of any provisions of such ordinance.

SEC. 4. *Appointment of inspector and deputies; duties.* Any city or village having enacted an ordinance under the provisions of this act shall immediately appoint a person qualified by education and experience to properly perform the duties of the office of inspector, who shall hold his office for one year and until his successor is appointed and qualified, and such deputies with like qualifications as may be necessary, who shall hold office for a like term; and such inspector and all deputy inspectors shall take an oath of office to faithfully and impartially discharge all the duties thereof. The inspector shall promptly report to the city or village attorney, or to the proper prosecuting officer for prosecution every violation of the ordinance in force in such city or village under the provisions of this act, and shall also report to the board of health of said city or village, at least monthly, in detail, all inspections made by him and all violations of said ordinance.

SEC. 5. *Slaughter-house requirements.* Any city or village having enacted an ordinance under the provision of this act shall specify the following requirements for all slaughter-houses within its limits:

(a) No slaughtering shall be done in barns, sheds, or other building not designed and not suitable for slaughtering animals and for the handling, dressing and cooling of meats; nor shall any slaughtering be done outside of a building.

(b) All slaughter-houses\* shall have an abundant supply of water from a well or other source which is not contaminated from the slaughter-house or surrounding pens or enclosures, or any part of the premises; and which may be applied with adequate pressure through a hose to any part of the room or rooms used for the purpose of slaughtering or preparing meats for consumption as human food.

(c) All slaughter-houses shall have suitable floors and sub-drainage with proper sewer connections, which floors shall be thoroughly washed off each day after the slaughtering is completed.

(d) The walls and all exposed surfaces on the inside of slaughter-houses shall be cleansed by washing or scraping as often as once in each month, and if the surfaces are not painted they shall be calcimined or whitewashed at least once each month.

(e) Cooling and store rooms for meat shall be properly ventilated.

(f) All offal and refuse shall be removed from the slaughter-house on the day of slaughtering, and disposed of in a decent and sanitary manner.

(g) All animals kept in yards attached to slaughter-houses shall be treated in a humane manner, and, if kept there over twelve hours, shall be fed and watered.

(h) All pens or enclosures connected with any slaughter-house shall be kept in a proper sanitary condition.

SEC. 6.—*Slaughter-houses without city limits.* Any city or village having a meat inspector under the provisions of this act shall refuse to permit to be brought within its limits to be sold or offered for sale therein any meat from any slaughter-house situated outside its limit whose owner, lessee or



occupant has not conformed to the requirements specified in section five of this act, and the provisions of the ordinance enacted by said city or village pursuant to this act in force therein.

SEC. 7.—*Appropriation; disposition of fees.* Any city or village having an inspector under the provisions of this act shall appropriate out of its general funds such sums of money as shall be deemed proper for the salary of the inspector and his deputies; and in addition thereto, may apply the license fee and any fees accruing from the inspections of animals and meats, to be paid thereunder for that purpose, or require said fees to be covered into the city or village treasury.

SEC. 8. *Duties of deputy inspectors.* All deputy inspectors shall have the same powers and perform all the duties devolving upon the inspector under his direction and superintendence, except that they shall make all reports required by this act to the inspector, by whom same shall be reported as hereinbefore provided.

SEC. 9. *Inspection by Federal authorities.* All meat which has been inspected by Federal authorities shall not be subjected to local inspection, except as to the market, vehicle or place at or from which it is sold or offered for sale and as to changes, decomposition, etc.

SEC. 10. *Presence of meat in vehicles, etc., evidence of intent to use as food.* In all prosecutions for violations of any ordinance enacted pursuant to this act, the fact that any meat is found in any slaughter-house, market or vehicle within such city or village shall be presumptive evidence that the same was intended for use as human food.

SEC. 11. *Location of slaughter-houses; public abattoir.* No slaughter-house shall be established or maintained nearer to the limits of any city or village than is prescribed by the law in this State: *Provided, however,* Any city or village having enacted and enforced, an ordinance pursuant to this act may cause to be erected and maintained a public abattoir in which all animals intended for human food within said city or village may be slaughtered, regulate the use thereof, and the terms upon which the same may be used: *Provided, further,* That nothing in this act shall be construed to prevent any farmer from killing, dressing and selling, in the open market, unless diseased, any animal or fowl intended for food that he has raised, fed or slaughtered, nor any dealer or merchant from buying or selling the same.

#### PEPPER.

SEC. 1. *Standard for black pepper.* Within this State no person, firm or corporation shall manufacture, offer or expose for sale, keep in possession with intent to sell, or sell any ground or whole black pepper containing any foreign substance whatever. All black pepper shall contain not more than six and one-half per cent ash or mineral matter; and shall contain not less than twenty-five per cent starch as determined by the diastase method; and shall contain not less than six-tenths of one per cent nor more than one and three-fourths per cent of volatile ether extract; and shall contain not more than ten per cent nor less than six and one-half per cent of non-volatile ether extract; and shall contain not more than sixteen per cent of crude fibre.

SEC. 2. *Penalty.* Whoever shall do any of the acts or things prohibited, or neglects or refuses to do any of the acts or things enjoined by this act, or in any way violates any of its provisions, shall be deemed guilty of a misdemeanor, and shall be punished by a fine not less than twenty-five dollars nor more than five hundred dollars and the costs of the prosecution or by imprisonment in the county jail not more than ninety days, or by both such fine and imprisonment, in the discretion of the court.

#### SALT.

4911. *Penalties for selling or exporting salt before inspected.* No salt manufactured or mined in this State, after this act takes effect, shall be sold within or exported from this State until the same shall be duly inspected, as provided in this act. Any person who shall violate the provisions of this section shall pay, for the use of the people of this State, as a fine, the sum of one dollar for each barrel or portion thereof of salt sold or exported contrary to the provisions of this act. In case any manufacturer or producer of salt shall, knowingly, sell or export or permit to be sold or exported, salt, contrary to the provisions of this act, he shall upon conviction thereof, be liable to a fine not exceeding one thousand dollars or imprisonment in the county jail not exceeding ninety days: *Provided,* That nothing in this act shall apply to salt packed or purchased and in the hands of producers or dealers when this act takes effect.

4912. *Appointment of inspector.* Immediately after the expiration of the present inspector's term of office, and every

two years thereafter, there shall be appointed by the governor of this State, by and with the advice and consent of the senate, an inspector of salt, who shall be a person of competent skill and ability, and who shall hold his office for two years and until his successor shall be appointed and qualified, unless sooner removed for cause. He shall at all times be subject to removal by the governor for cause; and in addition to other causes which may arise, incompetency or inefficiency in the performance of the duties devolved on him by this act, shall be deemed good cause for removal. In case of vacancy in the office, it shall be the duty of the governor to fill the same by appointing, immediately upon receiving notice thereof, and such appointment shall hold until the close of the next session of the senate; and, in the meantime, the governor shall, with the consent of the senate, appoint to fill the vacancy for the unexpired portion of the term.

4913. *Inspection districts; deputies.* Immediately after his appointment and qualification, the inspector shall divide the salt-making territory of this state into so many inspection districts as he may judge necessary, and shall appoint for each district one or more competent and efficient deputy inspectors, who shall hold office at the pleasure of the inspector, and for whose acts he shall be responsible. Such districts may be changed from time to time, as may be necessary. The inspector shall give his entire time, skill and attention to the duties of his office, and shall not be engaged in any other business or occupation.

4914. *Salaries and expenses.* The inspector shall be entitled to receive an annual salary of fifteen hundred dollars; he shall also be allowed the further sum of three hundred dollars, annually, for the expenses of providing and furnishing his office and for clerk hire, stationery, books, and printing; and such further sum as he may actually and necessarily expend in traveling, and other expenses, in an amount not to exceed seven hundred dollars per annum, which shall be incurred in the proper discharge of his duties; his deputy shall be entitled to such sums in each case as he may approve, not exceeding, in any case, the sum of one hundred dollars per month for the time actually employed: *Provided,* That such deputy inspectors may be allowed their necessary expenses in addition to the above sum when employed outside their respective districts. All salaries and expenses provided for by this act shall be retained by the inspector out of the money received, under the provisions of section five of this act, and accounted for and paid out by him, as provided by this act, which salaries shall be paid monthly: *Provided,* That in case the amount of money received for the inspection of salt, according to the provisions of section five of this act, shall not be sufficient to pay salaries and expenses of the inspector and his deputies, as provided for herein, that the amount of such deficiency shall be deducted from said salaries, pro rata to each.

4915. *Inspection fees; inspector's accounts.* Each person, firm, company and corporation engaged in the manufacture or production of salt, or for whom any salt shall be inspected, shall, from time to time, as salt is inspected, or offered for inspection, pay on demand, to the salt inspector or the deputy of the district where the salt is inspected, three mills for each two hundred eighty pounds of salt inspected or offered for inspection: *Provided,* That the same may be required by the inspector to be paid in advance: *And provided further,* That but one inspection fee shall be paid upon the same salt. In case any person, firm, company, or corporation shall neglect or refuse to pay such inspection fees on demand at his, their, or its office, manufactory, or mine, the party so refusing, shall be liable in an action therefor, in the name of the inspector, and the certificate of inspection, with the proof of the signature of the inspector or deputy inspector, giving the same, shall be prima facie proof of the liability and the extent of liability of the party so in default; and it shall be lawful for the inspector and his deputy to refuse to inspect salt manufactured at the works, manufactory, or mine so in default, until the amount due is paid. All money received by or paid to any deputy inspector, under this section, shall be forthwith paid to the inspector. The inspector shall keep just and true accounts of all money received under this section, and an account of the amounts received from or paid by each person, firm, company, and corporation engaged in the production of salt, and all other things appertaining to the duties of the office, and the said books and accounts shall always, during office hours, be subject to the inspection and examination of any person who may wish to examine them, and shall be handed over to his successor in office, together with all the money and affects appertaining to said office.

4916. *Inspector's oath and bond.* The inspector shall, before entering upon the duties of his office, take the oath pre-



scribed by the constitution of this state, which oath shall be filed in the office of the secretary of state. He shall execute a bond to the people of this state in the penal sum of seven thousand dollars, conditioned for the faithful performance of the duties of his office, which bond shall have at least two sureties, and shall be subject to the approval of the state treasurer; and when approved shall be by such treasurer filed and deposited in his office; and the inspector shall renew his bond every year. Any person or corporation injured by the neglect or default of such inspector, or by his misfeasance in office, or by the neglect, default or malfeasance [misfeasance] of any of his deputies, may maintain an action on such bond in the name of the people, for the use of the party prosecuting, and shall be entitled to recover the full amount of damages sustained.

4917. *Deputies' oath and bond.* Each of the deputies appointed by the inspector shall take the oath of office prescribed by the constitution, and shall give bond to the inspector in such sum, and with such sureties as he may approve, conditioned for the faithful performance of his duties as such deputy; and in case said inspector shall be obliged to pay any sum for the neglect or default, or misfeasance of any deputy, he may recover of such deputy, and his sureties on such bond, the amount he was obliged to pay, with accruing costs.

4918. *Office and open records of inspector.* The inspector shall keep a principal office in some one of the principal salt producing districts of this State, and the deputy inspector for the district, in which such office is located may occupy the same office. Such office shall be open at all times during business hours. All the books, records and accounts shall be kept in such office, and each deputy inspector shall, at least once in each month, make a written report, by mail or otherwise, to the inspector, of salt inspected by him, during the month, stating for whom, and the quality and quantity thereof. Abstracts of these reports shall be entered in books for that purpose. Said inspector shall, in proper books, keep a complete record and account of all his transactions, and such books shall also be open for the examination of all persons wishing to examine same during office hours.

4919. *Inspector must not deal in salt.* The inspector shall not be in any way concerned in the manufacture or selling of salt, or have any interest whatever, directly or indirectly, in any salt manufactory, or erection for manufacturing salt in the State of Michigan, or in the profits of any such manufactory.

4920. *Daily inspection of manufactories by deputies.* It shall be the duty of the deputy, in each district, to visit, once in each day, Sundays excepted, each salt manufactory in his district, when in operation, and to ascertain if there be therein any salt of bad quality, and such as ought not to pass inspection.

4921. *Inspection of manufactories by inspector.* It shall be the duty of the inspector to visit the manufactories in which salt is made, that may be in operation in the different districts, as often as practicable.

4922. *Character of inspection.* The inspector or deputy, at each visit, as provided in this act, shall carefully examine the salt in the bins, and the brine in kettles, or pans, or vats in which the salt is manufactured; if the salt in the bins, or any part thereof is of bad quality, and such as ought not to pass inspection, or if the brine in the kettles, or pans, or graining-vats have not been cleansed, he will direct and see that the owner, or occupant, or boiler, or other person having charge of the manufactory, remove the bad salt from the bin and place it with second quality salt, or throw it among the bitterns, as the inspector or deputy may direct, and the impure brine in the kettles, or pans, or graining-vats be thrown out, and new brine substituted.

4923. *Penalty for using lime or lime water.* No lime or lime water shall be used by any person in the manufacture of salt, in the kettles, or pans, or graining-vats used for manufacturing, under a penalty of twenty-five dollars and costs for each offense, to be sued for in the name of the people of this state: *Provided,* That iron vessels used in the manufacture of salt may be whitewashed, when cool, to prevent the accumulation of rust.

4924. *Application for inspector.* Every person desiring to have salt inspected, shall apply to the inspector or deputy inspector of the district where the same shall be, which inspector or deputy inspector shall thereupon actually examine the salt so offered for inspection, in the package in which the same may then be.

4925. *Packages to be opened for inspection.* To facilitate such examination, it shall be the duty of the person or company offering the salt for inspection, to unhead or bore the

barrel, or to open the bag or other package in which the salt is contained, as may be directed by the inspector or deputy inspector, so as to expose the salt to his touch, view, and examination.

4926. *Good salt defined.* The inspector, or deputy inspector shall not pass any salt as good, unless he shall find it to be well made, free from dirt, filth and stones, and from admixture of lime, or ashes of wood, and of any other substance which is injurious to salt, fully drained from pickle, the bitterns properly extracted therefrom, and manufactured as directed by this act, and by the rules and regulations of the inspector.

4927. *Necessary help and branding material to be furnished owner of salt.* The person or company offering the same for inspection, shall in all cases provide the necessary force to lift the salt while the inspector or deputy weighs or measures it, and shall also furnish the necessary help and material to brand the salt for and under the direction of the inspector or deputy inspector.

4928. *Manufacturer to provide scales.* Each manufacturer shall provide a scale or balance at his works, to be examined from time to time, and approved by the inspector, in which all the salt offered for inspection at his works may be weighed.

4929. *Inspector's certificate and brand.* Each inspector or deputy shall deliver to the party for whom he shall inspect salt, a certificate of the quantity and quality inspected, and shall thereupon direct the employes of the manufacturer to brand and mark, under his personal supervision, with durable paint, the package containing the salt so inspected, with the surname of the inspector at length, and the initials of his christian name, with the addition of the word "inspector," in letters at least one inch in length, and shall also cause to be marked or branded by the employes of the manufacturer upon the head of the barrel, cask, or package, the weight prescribed for such barrel, cask, or package by the inspector, when such weights are in conformity to the rules and regulations prescribed by the inspector in that regard; and if such weights do not correspond to the rules and regulations he shall cause the same to be repacked so as to conform thereto.

4930. *Construction of barrels.* If the said salt shall be put up in barrels it shall not be marked unless the barrels are thoroughly seasoned, stout, and well made, with such number of hoops as shall be prescribed by the inspector, to be well nailed and secured.

4931. *Penalty for counterfeiting marks or brands.* Every person who shall falsely or fraudulently make or counterfeit, or cause to be made or counterfeited, or knowingly aid and assist the false or fraudulent making or counterfeiting the mark or brand of any inspector or deputy inspector, on any package containing salt, shall be deemed guilty of felony, and on conviction thereof, shall be subject to a fine of not less than one hundred nor more than one thousand dollars, or be imprisoned in the State prison for a term not less than one nor more than six years, or both, in the discretion of the court.

4932. *Drainage of salt before packing; inspection.* No manufacturer or other person shall pack, or cause to be packed, or sell, or offer for sale in barrels, casks, boxes, sacks, or in bulk, any salt, until an inspector shall have determined, upon actual examination, that the same is sufficiently drained of pickle, and otherwise fit to pack. All salt shall stand in the boxes at least twenty days before packing, and the time will be taken to commence from the last discharge of wet salt into the bins; nor will the packing of any such salt be allowed until the same has been declared fit for that purpose upon an actual examination by the inspector or his deputy, and the packing of any salt without express permission, although twenty days may have elapsed, shall not be allowed.

4933. *Inspection of salt bins as to packing.* The inspector and his deputies, in their daily examination of the several salt manufactories, shall examine all bins of salt for the purpose of ascertaining whether any salt is packed contrary to the provisions of the foregoing section.

4934. *Penalty for packing before inspection.* If any manufacturer or other person shall pack any salt before the inspector or one of his deputies shall have determined that it is fit for packing, he shall forfeit the sum of twenty-five cents for every bushel of salt so packed.

(To be continued.)

Begin the year right by sending in your subscription to THE AMERICAN FOOD JOURNAL, 334 Dearborn street, Chicago. \$1.00 per year.



# DIRECTORY

## OF FOOD CONTROL OFFICIALS

### ARIZONA.

#### PHOENIX.

#### TERRITORIAL BOARD OF HEALTH.

Robert M. Dodsworth, M. D., Superintendent of Public Health, Secretary of Board.

### CALIFORNIA.

#### SAN FRANCISCO.

#### STATE DAIRY AND FOOD BUREAU, 114 CALIFORNIA STREET.

John A. Bliss of Alameda County, Chairman and Treasurer.

W. Frank Pierce of Alameda County.

Geo. R. Sneath of San Mateo County.

Wm. H. Saylor, Secretary and Chemist.

### CANADA.

#### OTTAWA.

#### DEPARTMENT OF INLAND REVENUE.

Wm. Templeman, Minister of Inland Revenue.

W. J. Garold, Deputy Minister.

Thos. Macfarlane, Chief Analyst.

Anthony McGill, Assistant to Chief Analyst.

S. E. Wright, Assistant Analyst.

E. Davidson, Assistant Analyst.

A. Lemoine, Assistant Analyst.

J. A. Valin, Assistant Analyst.

### COLORADO.

#### DENVER.

Mrs. Mary Wright, Dairy Commissioner.

Miss Belle P. Gill, Deputy Commissioner.

### CONNECTICUT.

#### HARTFORD.

J. B. Noble, Commissioner.

R. O. Eaton, Deputy Commissioner.

A. L. Winton, Agricultural Experiment Station, New Haven, Chemist.

### DISTRICT OF COLUMBIA.

#### WASHINGTON, D. C.

#### HEALTH DEPARTMENT.

Health Officer, William C. Woodward.

Chemist, R. L. Lynch.

Deputy Health Officer, H. C. McLean.

Chief Inspector, W. C. Fowler.

### GEORGIA.

#### ATLANTA.

T. G. Hudson, Commissioner of Agriculture.

R. F. Wright, Assistant Commissioner of Agriculture.

John M. McCandless, State Chemist.

R. G. Williams, First Assistant State Chemist.

James Q. Burton, Second Assistant State Chemist.

### IDAHO.

#### BOISE.

#### STATE DAIRY, PURE FOOD AND OIL COMMISSION.

A. F. Hitt, Commissioner.

Prof. S. R. Macy, State Chemist

### ILLINOIS.

#### CHICAGO.

Alfred H. Jones, State Food Commissioner.

H. E. Schuknecht Assistant Food Commissioner.

T. J. Bryan, State Analyst.

Miss Lucy Doggett, Assistant State Analyst.

A. L. Nehls, Chemist Stock Foods.

Frank Hoey, Chicago, Inspector.

C. H. Kjellquist, Rockford, Inspector.

J. C. Eagleton, Robinson, Inspector.

H. J. Hamlin, Jr., Shelbyville, Inspector.

Harrison Kennicott, Glen View, Inspector.

J. L. McLaughlin, Chicago, Inspector.

### INDIANA.

#### INDIANAPOLIS.

#### STATE BOARD OF HEALTH.

J. N. Hurty, M. D., Phar. D., Secretary of State Board of Health and State Food and Drug Inspector.

H. E. Barnard, B. S., Chemist.

H. E. Bishop, B. S., Assistant Chemist.

### IOWA.

#### DES MOINES.

#### STATE FOOD AND DAIRY COMMISSION.

H. R. Wright, Commissioner.

W. E. Smith, Deputy Commissioner.

W. B. Johnson, Assistant Commissioner.

F. L. Odell, Assistant Commissioner.

J. R. Chittick, Chemist.

Miss Avis Talcott, Assistant Chemist.

### KANSAS.

#### TOPEKA.

#### STATE BOARD OF HEALTH.

L. A. Golden, M. D., President.

S. J. Crumbine, M. D., Secretary.

E. H. S. Bailey, Ph. D., Chemist.

### KENTUCKY.

#### LEXINGTON.

M. A. Scovell, Director Experiment Station.

R. M. Allen, Secretary and Executive Officer, Food Division.

J. O. La Bach, Chemist, Food Division.

### LOUISIANA.

#### NEW ORLEANS.

#### THE STATE BOARD OF HEALTH.

C. H. Irion, M. D., President, New Orleans.

W. Glendower Owen, M. D., Vice-President, White Castle.

A. J. Perkins, M. D., Lake Charles.

W. G. Armstrong, M. D., New Orleans.

J. M. Batchellor, M. D., New Orleans.

G. W. Gaines, M. D., Tallulah.

T. E. Schumpert, M. D., Shreveport.

W. S. Ingram, Secretary, New Orleans.

### MAINE.

#### AUGUSTA.

A. W. Gilman, Commissioner.

L. H. Merrill, Chemist in charge Food Analysis.

### MARYLAND.

#### BALTIMORE.

#### THE STATE BOARD OF HEALTH.

Dr. Wm. H. Welch, President.

John S. Fulton, M. D., Secretary.

### MASSACHUSETTS.

#### BOSTON.

#### BOARD OF AGRICULTURE, ROOM 136, STATE HOUSE.

P. M. Howard, General Agent, Massachusetts Dairy Bureau.

J. Lewis Ellsworth, Executive Officer and Secretary of the State Board of Agriculture.

C. D. Richardson, West Brookfield, Chairman of Dairy Bureau.

J. M. Danforth, Lynnfield Centre, member of Dairy Bureau.

H. E. Paige, Amherst, member of Dairy Bureau.

#### FOOD DIVISION OF BOARD OF HEALTH.

Charles Harrington, M. D., Secretary.

Albert E. Leach, Chemist, Food and Drug Analyses.

Chas. A. Goessman, Milk Analyst for Western Massachusetts.

H. C. Lythgoe, Assistant Chemist.

### MICHIGAN.

#### LANSING.

A. C. Bird, State Dairy and Food Commissioner.

Colon C. Lillie, Deputy Commissioner.

Floyd W. Robison, State Analyst.

L. H. Van Wormer, Assistant Chemist.

### MINNESOTA.

#### ST. PAUL.

#### STAFF OF THE DAIRY AND FOOD COMMISSION.

E. K. Slater, Commissioner.

John McCabe, Assistant Commissioner.

W. W. Wall, Secretary.

Julius Hortvet, Chemist.

R. M. West, Assistant Chemist.

Miss Marjorie Cole, Assistant Chemist.

Genevieve Imus, Assistant Chemist.

### MISSOURI.

#### COLUMBIA.

Robert M. Washburn, State Dairy Commissioner.

D. J. Clifford, Deputy State Dairy Commissioner.

### MONTANA.

#### MONTANA MEAT AND MILK INSPECTION COMMISSION.

#### HELENA.

Dr. Wm. Treacy, President.

Dr. Thomas D. Tuttle.

M. E. Knowles, Secretary.

### NEBRASKA.

#### LINCOLN.

#### NEBRASKA FOOD COMMISSION.

W. F. Thompson, in charge of the department.

E. L. Redfern, State Chemist.

### NEW HAMPSHIRE.

#### CONCORD.

#### STATE BOARD OF HEALTH.

G. P. Conn, M. D., President.



Irving A. Watson, M. D., Secretary and Director of Laboratory.

Chas. D. Howard, B. S., Chemist.  
Walter B. Pope, Assistant Chemist.  
NEW JERSEY.

TRENTON.

STATE BOARD OF HEALTH.

Cyrus F. Brackett, M. D., LL. D., President.

Henry Mitchell, Secretary.

R. B. Fitz Randolph, Director State Laboratory of Hygiene.

Shippen Wallace, Analyst.

Wm. G. Tice, Analyst.

NEW YORK.

ALBANY.

DEPARTMENT OF AGRICULTURE.

Charles A. Wieting, Commissioner.

George L. Flanders, Assistant Com., Albany, N. Y.

Henry J. Kracke, Assistant Com., New York City.

Ebenezer J. Preston, Assistant Com., Amenia, N. Y.

Robt. McAdam, Acting Assistant Com., Utica, N. Y.

S. Brown Richardson, Assistant Com., Lowville, N. Y.

Charles T. Russell, Assistant Com., Munsville, N. Y.

Verlett C. Beebe, Assistant Com., Arcade, N. Y.

William T. Hughes, Assistant Com., Rochester, N. Y.

John H. Grant, Assistant Commissioner, Buffalo, N. Y.

James P. Clark, Assistant Com., Falconer, N. Y.

STATE DEPARTMENT OF HEALTH.

Eugene H. Porter, M. D., Commissioner.

Alec. H. Seymour, Secretary.

F. D. Beagle, Chief Clerk.

Prof. Willis G. Tucker, M. D., Director Bureau of Chemistry.

NORTH CAROLINA.

RALEIGH.

BOARD OF AGRICULTURE.

S. L. Patterson, Commissioner.

T. K. Bruner, Secretary.

B. W. Kilgore, State Chemist.

W. M. Allen, Food Chemist.

NORTH DAKOTA.

FARGO.

E. F. Ladd, Food Commissioner.

R. F. Flint, Dairy Commissioner.

OHIO.

COLUMBUS.

OHIO DAIRY AND FOOD COMMISSION.

Horace Ankeney, Commissioner, Columbus.

John J. Kinney, Assistant Commissioner.

George Demuth, Assistant Commissioner.

G. M. Shafer, Chief Inspector, Food Department.

Roscoe J. Mauck, Chief Counsel, Columbus.

Perry L. Hobbs, Chemist, Cleveland.

T. D. Wetterstroem, Chemist, Cincinnati, 3935 Spring Grove Avenue.

Azor Thurston, Chemist, Grand Rapids.

O. S. Marchworth, Chemist, Columbus.

H. A. Weber, Chemist, Columbus.

William McPherson, Chemist, Columbus.

B. S. Young, Chemist, Ada.

J. H. Beal, Chemist, Scio.

A. W. Smith, Chemist, Cleveland.

B. Pilkington, Chemist.

OREGON.

PORTLAND.

J. W. Bailey, Dairy and Food Commissioner.

H. V. Tartar, Deputy Dairy and Food Commissioner.

Dr. Charles Withycombe, Director Oregon Experiment Station.

PENNSYLVANIA.

HARRISBURG.

DEPARTMENT OF AGRICULTURE AND DAIRY AND FOOD COMMISSION.

N. B. Critchfield, Secretary of Agriculture.

Dr. B. H. Warren, Dairy and Food Commissioner.

Oliver D. Shock, Assistant Dairy and Food Commissioner.

Prof. C. B. Cochran, Chief Chemist.

RHODE ISLAND.

PROVIDENCE.

BOARD OF HEALTH.

Albert G. Sprague, M. D., President.

Gardner T. Swartz, M. D., Secretary.

SOUTH CAROLINA.

CHARLESTON.

BOARD OF HEALTH.

T. Grange Simons, M. D., Chairman.

James Evans, Secretary, Florence.

SOUTH DAKOTA.

WEBSTER.

E. W. Smail, Dairy and Food Commissioner.

John W. Arthur, Assistant.

Prof. J. H. Shepard, Brookings, S. D., State Chemist.

TENNESSEE.

NASHVILLE.

BOARD OF HEALTH.

Dr. Hebor Jones, Vice President, Memphis.

Dr. T. E. Abernathy, Chattanooga.

Hon. W. W. Ogilvie, Nashville.

Dr. R. E. Fort, Nashville.

John S. Hammel, Clerk.

Dr. Louis Leroy, State Bacteriologist.

TEXAS.

AUSTIN.

DEPARTMENT OF PUBLIC HEALTH AND VITAL STATISTICS.

Dr. Geo. R. Tabor, State Health Officer.

E. E. Walker, Secretary.

UNITED STATES.

WASHINGTON, D. C.

DEPARTMENT OF AGRICULTURE.

James Wilson, Secretary.

W. M. Hays, Assistant Secretary.

H. W. Wiley, Chief, Bureau of Chemistry.

W. D. Bigelow, Chief, Division of Foods.

G. E. Patrick, Chief of Dairy Laboratory.

Dr. L. F. Kebler, Chief of Drugs Laboratory.

R. E. Doolittle, Chief of New York Laboratory.

R. A. Gould, Chief of San Francisco Laboratory.

B. H. Smith, Chief of Boston Laboratory.

Howard V. Frost, Chief of Chicago Laboratory.

C. F. Brinton, Chief of Philadelphia Laboratory.

C. W. Harrison, Chief of New Orleans Laboratory.

BUREAU OF ANIMAL INDUSTRY.

A. D. Melvin, Chief of Bureau.

R. P. Steadom, Chief of Inspection Division.

Ed H. Webster, Chief of Dairy Division.

TREASURY DEPARTMENT.

BUREAU OF INTERNAL REVENUE.

John W. Yerkes, Commissioner of Internal Revenue.

L. M. Tolman, Chief, Division of Chemistry.

S. L. Stephenson, Chief, Division of Distilled Spirits.

C. A. Bates, Chief, Division of Assessments.

UTAH.

SALT LAKE CITY.

John Peterson, State Dairy and Food Commissioner.

Herman Harms, State Chemist.

VERMONT.

BRATTLEBORO.

STATE BOARD OF HEALTH.

Charles S. Caverly, M. D., President, Rutland, Vt.

Henry D. Holton, M. D., Secretary, Brattleboro, Vt.

B. H. Stone, M. D., Director of Laboratory.

C. P. Moat, Chemist.

H. L. White, Chemist.

VIRGINIA.

RICHMOND.

G. W. Koiner, Commissioner of Agriculture.

E. W. Magruder, Chief Chemist.

WASHINGTON.

DAVENPORT.

L. Davies, State Dairy and Food Commissioner, Davenport, Washington.

L. W. Hanson, Deputy Dairy and Food Commissioner, Seattle.

Prof. Elton Fulmer, State Chemist, Pullman, Washington.

WEST VIRGINIA.

CHARLESTON.

STATE BOARD OF AGRICULTURE.

James O. Thompson, Secretary.

WISCONSIN.

MADISON.

J. Q. Emery, Dairy and Food Commissioner.

H. S. Baer, Assistant Commissioner, Dairy Expert.

J. G. Moore, Second Assistant Commissioner, Creamery Expert.

F. M. Buzzell, Chief Food Inspector.

Richard Fischer, Ph. D., Chemist.

A. G. Kundert, Assistant Chemist.

F. W. Tweeden, Assistant Chemist.

WYOMING.

EVANSTON.

STATE BOARD OF HEALTH.

E. W. Burke, State Dairy and Food Commissioner.

Prof. Henry G. Knight, State Chemist, Laramie.

Ross Moudy, Laramie, Assistant State Chemist.



# Corn Products Manufacturing Co.

The Rookery, Chicago

**Corn Syrups,  
Glucose,  
Grape Sugar,  
Corn Starch,  
Confectioners' T. B. Starch**

ALL PRODUCTS GUARANTEED UNDER THE  
FOOD AND DRUGS ACT, JUNE 30, 1906.

"Karo Corn Syrup is a Pure Food Product. Its Ingredients, Corn Syrup, 85% and Refiners Syrup 15% are of the Highest Quality and prepared according to U. S. Standards."

## PURE AND WHOLESOME

All of **BORDEN'S** products comply in every respect with the National Pure Food and Drugs Act of June 30, 1906, against adulteration and mis-branding, and in accordance with department ruling we have filed our **STANDARD GUARANTEE** at Washington—No. 165.

**BORDEN'S CONDENSED MILK CO.**  
Est. 1857 "LEADERS OF QUALITY" New York



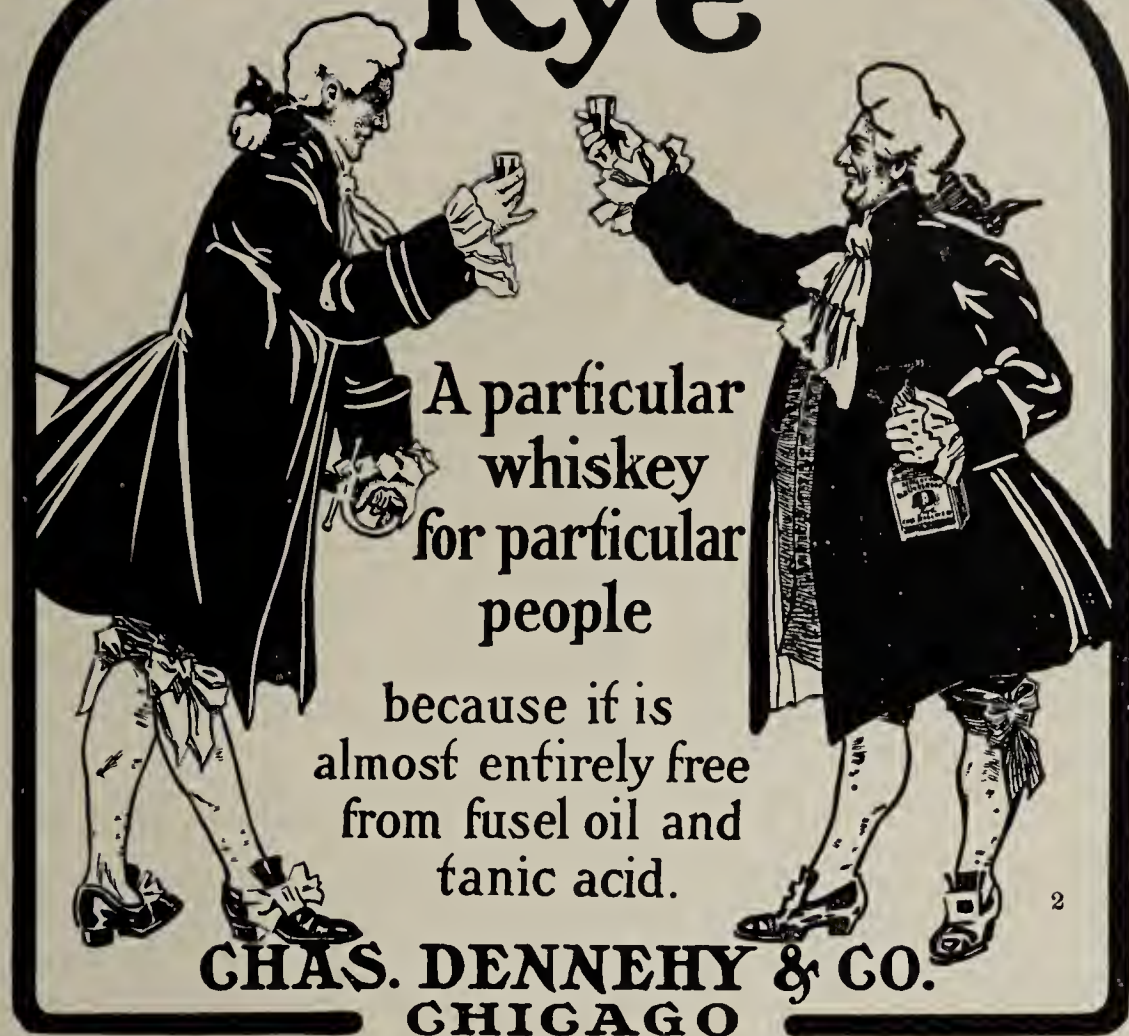
## Seipp's Extra Pale Beer

Absolutely pure,  
wholesome, well  
aged, thoroughly  
pasteurized, chill  
and summer  
proof. :: :: ::

**C. SEIPP BREWING CO.**  
27th St. and Cottage Grove Ave.  
Telephones:  
**Calumet 730 and 869**



# Old Underroof Rye



## WEISEL & CO.

...Manufacturers of...

High Grade **SAUSAGES ONLY**

609 East Water Street Milwaukee, Wis.

CHICAGO BRANCH: — 51 to 53 LA SALLE STREET Tel. connection

**We are the Largest** Manufacturers  
**MUSTARD AND CATSUP** of Prepared

**HUSS-EDLER PRESERVE COMPANY,**

Write for Samples and Prices. 75-79 W. Kinzie St., Chicago

## The American Food Laboratory

1235-1240 Caxton Bldg., 334 Dearborn St., Chicago

Telephone Harrison 2473

### SPECIALTIES

Food Stuffs; Water—Portable, Mineral. Boiler;  
Drugs, Liquors, Food Colors and Preservatives,  
Cattle Feeds, Fertilizers.

Technical information as to requirements of State  
Food, Drug, Fertilizer and Stock Food Laws.

### INDUSTRIAL

Factory Processes, Factory Investigations, Chemical  
Patents Perfected, Practical Receipts, Soap and  
Glycerine, Paints and Oil, Utilization of Bi-Products,  
Toxicological Work, Infant and Invalid Foods.

## BAUSCH & LOMB Chemical Apparatus

AND SUPPLIES

For Scientific and Commercial Laboratories

In addition to the regular  
line of our own manufac-  
ture we import on order  
scientific apparatus of all  
kinds.

During the past year we  
have supplied many

### IMMERSION REFRACTOMETERS

for the examination of  
liquids having a low re-  
fractive index.

Those interested are re-  
quested to send for catalogs  
and correspond with us.

## Bausch & Lomb Optical Co.

Rochester, N. Y.

New York Boston Washington Chicago San Francisco



# Proof of Merit

*Bear in mind, Mr. Dealer,* that much depends upon the brand of Canned Meats you handle. It is a matter of the utmost importance to you. Get a reputation for selling only the best Canned Meats, and you will not only sell more of them but the business on your other commodities will increase accordingly.

## Advance Canned Meats

*Are the best in the world.*

They took first prize at the Louisiana Purchase Exposition in 1904, and they are still in "Advance" in 1907. Lunch Tongue, Corned Beef, Potted and Deviled Meats, Sliced Beef, and Pork and Beans are a few of the good things that make Advance Brand so popular. ∴ *Order today.*

**SCHWARZSCHILD & SULZBERGER CO.**  
NEW YORK CHICAGO KANSAS CITY



The discriminating housewives of America know that the log cabin can contains syrup of superior quality.

The can is distinctive, and so is the syrup. Log Cabin Syrup has a uniform, delicious and wholesome flavor that delights all who use it.

---

---

*Your Grocer Sells It.*

---

---

**THE TOWLE MAPLE SYRUP COMPANY**  
ST. PAUL, MINNESOTA

# NO HUMAN HAND TOUCHES IT

Many of the so-called breakfast foods are improperly prepared—contain so large a quantity of sweetening substance that they become too carbonaceous and heating to have a well balanced food value, if not dangerous to life and health.

## DR. PRICE'S WHEAT FLAKE CELERY FOOD

is prepared under the supervision of a physician and chemist with years of experience in the making of pure food products. It is composed of wheat, celery and salt. So cleanly and carefully prepared that no human hand touches it from its first process of manufacture until it reaches the consumer. In daily use it has a tonic as also a mild laxative effect.

**Palatable—Nutritious—Easy of Digestion and ready to Eat**  
Can be served hot. Put in a hot oven for a few minutes; or cook in boiling milk.

**10c a package**  
All Grocers

*My Signature*  
on every  
package

*Dr. V. C. Price* 74





# THE AMERICAN FOOD JOURNAL



Vol. 2. No. 2.

CHICAGO, FEBRUARY 15, 1907.

10c Per Copy.  
Monthly, \$1 Per Year.

## PROPOSED STATE PURE FOOD LAWS ILLINOIS

Endorsed by the Illinois Food Commission.

45th Assembly

HOUSE—No. 163

Jan. 1907

Introduced by Mr. Lindly, January 31, 1907.

Read by title, ordered printed and referred to Committee on Manufactures.

### A BILL

For an act to prevent fraud in the sale of dairy products, their imitation or substitutes, to prohibit and prevent the manufacture or sale of unhealthful, adulterated or misbranded food, liquors or dairy products, to provide for the appointment of a State Food Commissioner and his assistants, to define their powers and duties and to repeal all acts relating to the production, manufacture and sale of dairy and food products and liquors in conflict herewith.

*Be it enacted by the people of the State of Illinois, represented in the General Assembly:*

SECTION I. *Provision for Appointment of a State Food Commissioner and His Assistants, and for the Establishment of a State Food Department*—That the Governor shall appoint a Commissioner who shall be known as the State Food Commissioner, who shall be a citizen of the State of Illinois, and who shall hold his office for the term of four years and until his successor is appointed and qualified, and who shall receive a salary of twenty-five hundred dollars per annum and his necessary expenses incurred by him in the discharge of his official duties, and who shall be charged with the enforcement of all laws that now exist or that hereafter may be enacted in this State regarding the production, manufacture, sale and labeling of food as herein defined, and to prosecute or cause to be prosecuted any person, firm or corporation, or agent thereof, engaged in the manufacture or sale of any article manufactured or sold in violation of the provisions of any such law or laws.

The said Commissioner is hereby authorized to appoint

a secretary whose salary shall be \$1,800 per year, and with the advice and consent of the Governor, two assistant commissioners, one of whom shall be an expert dairyman and one of whom shall be an expert analytical chemist, and who shall be known as the State Analyst, each of whose salaries shall be \$2,500 per annum and expenses incurred in the discharge of official duties. Said Commissioner shall also have power to appoint seven assistant chemists, who shall each be expert analytical chemists, and whose salaries shall each be a sum not exceeding \$1,500 per year, and the said Commissioner may from time to time appoint such other assistant chemists as may be necessary, who shall be expert analytical chemists, and shall be allowed a salary of \$100 per month for such time as they may be employed, and said Commissioner shall have authority to appoint not to exceed twenty-five inspectors to be paid at the rate of \$100 per month each and the necessary expenses incurred in the performance of their duties; and said Commissioner shall



have power to appoint such counsel as he may need from time to time, not exceeding three attorneys at one time, who shall receive as compensation the sum of \$1,500 per annum and necessary expenses incurred in the discharge of their duties.

The sum of one hundred and twenty-five thousand dollars annually is hereby appropriated to be paid for the execution of the dairy and food laws out of any money not otherwise appropriated. All charges, accounts and expenses authorized by this Act shall be paid by the State Treasurer upon warrants of the State Auditor to be issued on accounts to be rendered to and approved by the Governor, and shall be paid at the end of each month.

The said Commissioner shall make annual reports to the Governor, not later than the 15th day of January, of his work and proceedings, and shall report in detail the number of inspectors he has appointed and employed with their expenses and disbursements and the amount of salary paid the same, and he may from time to time issue bulletins of information when in his judgment the interests of the State would be promoted thereby.

The said Commissioner shall establish and maintain an office and laboratory where the business of said department may be conducted. This section shall not affect the term of office of the present Commissioner, and he shall be regarded as having been appointed under the provisions of this Act.

**SEC. 2. Power of Commissioner, Assistants and Inspectors Making Inspection**—The said Commissioner, Assistant Commissioners and such Inspectors, Agents, Chemists and Counsel shall be duly authorized for the purpose, and shall have access, ingress and egress to and from all places of business, factories, farms, buildings, carriages and cars used in the manufacture, transportation or sale of any article of food as defined in this Act, and also into restaurants, dining halls, cafes, hotels and all rooms thereof, and all other places where food is prepared, stored or served to patrons. They shall also have power and authority to open any package, can or vessel containing or supposed to contain any article manufactured, sold or exposed for sale, or held in possession with intent to sell, in violation of the provisions of this Act or laws that now exist or that may hereafter be enacted in this State, and may inspect the contents thereof, and may take samples therefrom for analysis. All dealers, clerks, bookkeepers, express agents, railroad officials, employes or common carriers shall render to them all the assistance in their power, when so requested, in tracing, finding or discovering the presence of any article prohibited by law, and in securing samples thereof as herein provided for.

**SEC. 3. Refusal to Assist Inspector Misdemeanor**—Any refusal or neglect on the part of such dealers, clerks, bookkeepers, express agents, railroad officials, employes or common carriers to render such friendly aid, or to furnish such sample for analysis, as provided for in section 2 of this Act, shall be deemed a misdemeanor and shall be punished as hereinafter provided.

**SEC. 4. Sealing and Transmitting Samples**—The person taking such sample, as provided for in section 2 of this Act, shall mark or seal such sample with a paper seal or otherwise, and shall write his name thereon and number said sample so as to properly identify the same, and shall tender to the manufacturer or vendor of such article or product, or the person in whose control or possession such article or product may be at the time the same is taken, the value thereof; but, if the person from whom such sample is taken shall request him to do so, he shall at the same time and in the presence of the person from whom the same is taken, seal with paper seals or otherwise two samples of the article taken, on each of which said samples, or on the seals placed thereon, shall be placed the name of the person taking said sample and also the number above provided for, the one of which samples shall be delivered to the person from whom the same is taken, and the other shall be taken by the person so procuring the same to the State Analyst or other competent person appointed for the purpose of making examinations or analyses of samples so taken: *Provided*, That the person procuring said sample may securely pack and box said sample and send the same to the State Analyst, or other competent person appointed hereunder for the purpose of making examinations or analyses of samples, and his testimony that he did procure the samples and that he sealed and numbered the same as herein provided, and that he wrote his name thereon and that he packed and boxed said sample and sent the same to the State Analyst, or other competent person appointed hereunder, to analyze such sample and the

testimony of the person to whom said sample is addressed that he received said box or package in apparent good order; that said sample was sealed and that the number and name of the sender, as herein provided for, was on said sample, and that the seal at the time the same was received was unbroken, shall be *prima facie* evidence that the sample so received is the sample that was sent, and that the contents thereof are the same and in the same condition as at the time the person so procuring said sample parted with the possession thereof, and the testimony of said two witnesses as above shall be sufficient to make such *prima facie* proof.

**SEC. 5. Manufacturing Adulterated or Misbranded Food Misdemeanor**—It shall be unlawful for any person to manufacture for sale within the State of Illinois any article of food or drink which is adulterated or misbranded within the meaning of this Act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be punished according to the provisions of this Act.

**SEC. 6. Possession Misbranded or Adulterated Articles Prohibited**—The having in possession of any article of food or drink which is misbranded or adulterated with intent to sell the same is hereby prohibited, and whoever shall have in his possession with intent to sell, sell or offer for sale any article which is adulterated or misbranded within the meaning of this Act shall be guilty of a misdemeanor, and on conviction thereof shall be punished as hereinafter provided. Proof that any person, firm or corporation has or had possession of any article which is adulterated or misbranded shall be *prima facie* evidence that the possession thereof is in violation of this section.

**SEC. 7. Term Food Defined**—The term "food" as used herein shall include all articles used for food, drink, confectionery or condiment by man or other animals, whether simple, mixed or compound, and any substance used as a constituent in the manufacture thereof.

**SEC. 8. Standard of Purity and Strength**—In the enforcement of this Act, and in the construction thereof, the following named articles of food-stuffs, when offered for sale or exposed for sale, or sold, shall conform to the analytical requirements set opposite each respectively:

*Milk* shall contain not less than three and one-quarter (3.25) per cent of milk fat and not less than eight and one-half (8.5) per cent of solids, not fat.

*Condensed Milk and Sweetened Condensed Milk* shall contain not less than twenty-eight (28) per cent of milk solids and one hundred (100) per cent of such milk solids shall contain not less than twenty-seven and five-tenths (27.5) per cent of milk fat.

*Cream* shall contain not less than eighteen (18) per cent of milk fat.

*Butter* shall contain not less than eighty-two and one-half (82.5) per cent of milk fat and not more than sixteen (16) per cent of water.

*Cheese* shall contain not less than fifty (50) per cent of milk fat in the water free substance.

*Ice Cream* shall contain not less than fourteen (14) per cent of milk fat.

*Nut and Fruit Ice Cream* shall contain not less than twelve (12) per cent of milk fat.

*Maple Sugar* shall contain not less than sixty-five one hundredths (0.65) per cent of maple ash in the water-free substance.

*Maple Syrup* shall contain not more than thirty-two (32) per cent of water and not less than forty-five hundredths (0.45) per cent of maple syrup ash.

*Honey* is laevo-rotary, contains not more than twenty-five (25) per cent of water, not more than twenty-five hundredths (0.25) per cent of ash and not more than eight (8) per cent of sucrose.

*Cloves* shall contain not more than five (5) per cent of clove stems, not less than ten (10) per cent of volatile ether extract, not less than twelve (12) per cent of quercitannic acid, not more than eight (8) per cent of total ash, not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

*Black Pepper* shall contain not less than six (6) per cent of non-volatile ether extract, not less than twenty-five (25) per cent of pepper starch, not more than seven (7) per cent of total ash, not more than two (2) per cent of ash insoluble in hydrochloric acid, and not more than fifteen (15) per cent of crude fiber.

*Lemon Extract* shall contain not less than five (5) per cent of oil of lemon by volume.



*Orange Extract* shall contain not less than five (5) per cent of oil of orange by volume.

*Vanilla Extract* shall contain in one hundred (100) cubic centimeters the soluble matters from not less than ten (10) grams of vanilla bean.

*Olive Oil* has a refractive index (25° C.) not less than one hundred and forty-six hundred and sixty ten thousandths (1.4660) and not exceeding one and forty-six hundred and eighty ten-thousandths (1.4680); and an iodine number not less than seventy-nine (79) and not exceeding ninety (90).

*All Vinegars* shall contain four (4) grams of acetic acid in one hundred (100) cubic centimeters (20° C.).

*Cider Vinegars* shall contain not less than one and six-tenths (1.6) grams of apple solids, and not less than twenty-five hundredths (0.25) grams of apple ash in one hundred (100) cubic centimeters (20° C.).

*Wine Vinegar* shall contain not less than one (1) gram of grape solids and not less than thirteen-hundredths (0.13) gram of grape ash in one hundred cubic centimeters (20° C.).

*Malt Vinegar* shall contain in one hundred (100) cubic centimeters (20° C.) not less than two (2) grams of solids and not less than two-tenths (0.2) gram of ash.

*Provided*, That nothing in this section shall be construed to prevent the sale of any wholesome food product which varies from such standards, if such article of food be labeled so as to clearly indicate such variation.

Articles of foodstuffs not above named or expressly defined in any other parts of this Act shall, when offered or exposed for sale or sold, conform to the analytical requirements set opposite each respectively in the last edition of the United States Pharmacopœia, or the last edition of the United States dispensatory, and shall be manufactured of and composed of materials therein provided and none other.

SEC. 9. *Defines Adulteration*—That for the purpose of this Act an article shall be deemed to be adulterated:

In the case of confectionery, if it contains terra alba, barytes, talc, chrome yellow, or other mineral or poisonous substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spiritous liquor or compound or narcotic drug.

In the case of food:

*First*—If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality, strength or purity.

*Second*—If any substance has been substituted wholly or in part for the article.

*Third*—If any valuable constituent of the article has been wholly or in part abstracted.

*Fourth*—If it be mixed, colored, powdered, coated, polished or stained in any manner whereby damage or inferiority is concealed, or it is made to appear better or of greater value than it really is.

*Fifth*—If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health. *Provided*, That when in the preparation of food products for shipment they are preserved by an external application, applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering of the package, the provisions of this Act shall be construed as applying only when such products are ready for consumption, and formaldehyde, hydrofluoric acid, boracic acid, salicylic acid and all compounds and derivatives thereof are hereby declared unwholesome and injurious.

*Sixth*—If it consists in whole or in part of a filthy, decomposed or putrid, infected, tainted or rotten animal or vegetable substance or article, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

SEC. 10. *Misbranded Defined*—The term "misbranded," as used herein, shall apply to all articles of food or drink, or articles which enter into the composition of food or drink, the packages or label of which shall bear any statement, design or device regarding such article, or the ingredients or substance contained therein which shall be false or misleading in any particular and to any of such products which are falsely branded as to the state, territory or county in which it is manufactured or produced. That for the purpose of this Act an article shall be deemed misbranded,

In case of food:

*First*—If it be an imitation of or offered for sale under the distinctive name of another article.

*Second*—If it be labeled or branded so as to deceive or mislead the purchaser, or purports to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it shall fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucane, chloroform, cannabis indica, chloral hydrate or acetanilid, or any derivative or preparation of any such substances contained therein.

*Third*—If in package form and the contents are stated in terms of weight or measure, they are not correctly and plainly stated on the outside of the package.

*Fourth*—If it be a manufactured article of food or food sold in package form, and is not distinctly labeled, marked or branded with the true name of the article, and with either the name of the manufacturer and place of manufacture or the name and address of the packer or dealer who sells the same.

*Fifth*—If the package containing it, or its label, shall bear any statement, design or device regarding the ingredients or the substance contained therein, which statement, design or device shall be false or misleading in any particular: *Provided*, That an article of food which does not contain any added, poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

*First*—In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

*Second*—In the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends, and the word "compound," "imitation" or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, That the term "blend," as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *And Provided further*, That nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods, which contain no unwholesome added ingredients, to disclose their trade formulas, except insofar as the provisions of this Act may require to secure freedom from adulteration or misbranding.

SEC. 11. *Confiscation and Condemnation of Misbranded or Adulterated Foods*—Any article of food or drink or liquor that is adulterated within the meaning of this Act, and is being sold or offered for sale within the State of Illinois, shall be liable to be proceeded against in any circuit court, or the Superior Court of Cook County, or the municipal court of any city, or before any justice of the peace within whose jurisdiction the same may be found, and seized for confiscation by process of law by condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character within the meaning of this Act, the same shall be disposed of by destruction or sale as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the treasury of the State of Illinois and credited to the fund of the State Food Commission, to be used in the enforcement of the State food laws, but such goods shall in no instance be sold contrary to the provisions of this Act.

SEC. 12. *Vinegar to be Branded*—All vinegar other than cider vinegar made by fermentation and oxidation without the intervention of distillation, shall be branded with the name of the fruit or substance from which the same is made. All vinegar made wholly or in part from distilled liquor shall be branded "distilled vinegar," and shall not be colored in imitation of cider vinegar. All vinegar shall be made wholly from the fruit or grain from which it purports to be or is represented to be made, shall contain no foreign substance and shall contain not less than four per cent, by weight, of absolute acetic acid.

SEC. 13. *Fruits, Jellies and Jams*—No person shall, by himself or another, either as principal, clerk or servant, directly or indirectly, manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell as fruit, jelly, jam or fruit butter, any imitation fruit, jelly, jam or fruit butter, or other similar compound, made or composed in whole or in part of glucose, dextrine, starch or other substances under any name or designation whatever,



unless the same shall be composed entirely of ingredients not injurious to health, and every can, pail or package of such jelly, fruit, jam or fruit butter sold, offered for sale, or kept for sale in this State shall be distinctly and durably labeled in a conspicuous place immediately preceding the name of the article sold with the word "imitation" preceding the name of the fruit, jelly, jam or fruit butter the article is intended to imitate: *Provided*, Any fruit, jelly, jam or fruit butter containing no foreign ingredient other than glucose may be labeled and sold as "glucose (or corn syrup) jelly," "fruit," "jam" or "fruit butter," as the case may be, to conform in name to the fruit or fruits used in its preparation.

SEC. 14. *Extracts to be Labeled*—Extracts made of more than one principal must be labeled in a conspicuous manner with the name of each principal, or else with the name of the inferior or adulterant, and in all cases when an extract is labeled with two or more names such names must be in a conspicuous place on said label, and in no instance shall such mixture be called imitation, artificial or compound, and the name of one of the articles used shall not be given greater prominence than another: *Provided*, That all extracts which can not be made from the fruit, berry, bean or other part of the plant, and must necessarily be made artificially, as raspberry, strawberry, etc., shall be labeled "imitation" in letters similar in size and immediately preceding the name of article: *Provided further*, That prepared cocoanut, containing nothing other than cocoanut, sugar and glycerine, shall be labeled as prepared cocoanut, and when so made need not be labeled "compound" or "mixture."

SEC. 15. *Baking Powder—How Labeled*—No person by himself, his servant, or his agent, or as the servant of any other person, shall, first, make or manufacture baking powder or any other mixture or compound intended for use as baking powder; second, or sell, exchange, deliver, or offer for sale, or exchange, such baking powder or any mixture or compound intended for use as baking powder, unless the same shall contain not less than ten (10) per cent available carbon dioxide, and unless the common names of all the ingredients be printed on the label.

SEC. 16. *Adulterated or Spiritous, Malt or Vinous Liquors Prohibited*—No person shall within this state, by himself, his servant or agent, or as a servant or agent of any other person or corporation, manufacture, brew, distill, have or offer for sale, or sell any spiritous or fermented or malt liquor, containing any drug, substance or ingredient not healthful or not normally existing in said spiritous, fermented or malt liquor, or which may be deleterious or detrimental to health when such liquors are used as a beverage, and the following drugs, substances or ingredients shall be deemed to be not healthful or not normally existing in spiritous, fermented or malt liquor, and shall be deemed to be deleterious or detrimental to health, when contained in such liquors, to-wit: Coccus indicus, chloride of sodium, copperas, opium, cayenne pepper, picric acid, Indian hemp, strychnine, arsenic, tobacco, dandel seed, extract of logwood, salts of zinc, copper or lead, alum, methyl alcohol and its derivatives, and any extracts or compound of any of the above drugs, substances or ingredients, and any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor.

SEC. 17. *Mutilating Label Prohibited*—Whoever shall deface, change, erase or remove any mark label or brand provided for by this Act with intent to mislead, deceive or to violate any of the provisions of this Act, shall be held liable to the penalties of this Act.

SEC. 18. *Sale of Unclean or Unwholesome Milk for Consumption Prohibited*—No person, firm or corporation shall offer or expose for sale, or sell or deliver to any person, firm or corporation, creamery or cheese factory, or have in his possession with intent to sell, any unclean, impure, unhealthful, unwholesome, or adulterated milk or cream, or any milk or cream which has not been well cooled and aerated, or to which water or any other foreign substance of any kind has been added: *Provided*, That nothing in this section shall be construed to prevent the sale of skim milk to factories engaged in the manufacture of skim milk products, nor the sale of skim milk under the provisions of section 23 of this Act.

SEC. 19. *Premises and Utensils to be Clean*—All premises, cans, bottles and utensils, employed or used in the production, transportation, sale or delivery of milk or cream for consumption, or employed or used in the manufacture or sale of any food products, shall be kept in a clean and sanitary condition, and no person shall sell, offer for sale, or have in his possession with intent to sell, any milk, cream, or other food product, not manufactured, transported and offered for

sale under such clean and sanitary conditions. The Commissioner, or other person duly appointed by him, shall have power, when inspecting such cans, bottles and utensils, used in the production, transportation, manufacture or sale of milk, cream or other food product, to order the use of any such can, bottle or other utensil, which is in an unclean or insanitary condition, discontinued until such can, bottle or other utensil be thoroughly cleaned and put in sanitary condition; and such person so inspecting such cans, bottles and other utensils, shall have power to brand, mark or tag such can, bottle or other utensil with the words, "This (can, bottle or utensil) is unfit to contain (human food, milk or cream)" as the case may be; and any person who shall erase, change, remove, conceal or obliterate any such brand, mark or tag, except for the purpose of properly cleaning and putting such can, vessel or utensil in a sanitary condition, shall be guilty of a misdemeanor and be subject to the penalties hereinafter provided.

SEC. 20. *Persons Receiving Milk to Wash Cans*—Any person, firm or corporation who receives any milk or cream in cans, bottles or vessels, which has been transported over any railroad, or boat line, where such cans, bottles or vessels are to be returned, shall cause the said cans, bottles or vessels to be emptied before the said milk or cream contained therein shall become sour, and shall cause said cans, bottles or vessels to be immediately washed and thoroughly cleansed and aired.

SEC. 21. *Milk Cows—How Kept*—No person, firm or corporation shall keep cows for the production of milk in a crowded condition, or in stables which are not properly ventilated, or which are filthy from an accumulation of animal refuse or from any other cause. Nor shall milk for food purposes be drawn from cows which are themselves in a condition of filth or uncleanness, or from cows which are affected with tuberculosis, running sores, or any other form of disease, or from cows which are fed either wholly or in part upon distillery waste, or brewery grains, or the waste of vinegar, or that of sugar factories, not properly dried, or upon any other form of food which will produce milk which is unhealthful or unwholesome, or from cows within fifteen days before and five days after parturition; and all milk thus produced is hereby declared to be unclean, impure, unhealthful and unwholesome milk, and any milk to which water or any other foreign substance has been added, or from which any part of the milk commonly known as "strippings" has been withheld, or which has been deprived either wholly or in part of any constituent naturally or normally contained in milk, is hereby declared to be adulterated milk. This section shall not be construed to prevent the feeding or ensilage from silos. The having in possession by any person, firm or corporation producing milk for market, or for sale or exchange, or for manufacturing the same into articles of food, of distillery waste or brewery grains, or the waste of vinegar, or that of sugar factories not dried as aforesaid, or any other form of food which will produce milk which is unhealthful or unwholesome, shall be considered for the purpose of this Act as *prima facie* evidence of an intent to use the same contrary to the provisions of this Act.

SEC. 22. *Not to Manufacture Food From Impure or Unclean Milk or Cream*—No person, firm or corporation shall manufacture from unclean, impure, unhealthful or unwholesome milk, or from cream from the same, any article of food.

SEC. 23. *Sale of Skim Milk—Cans—How Labeled*—No person, firm or corporation shall sell, or expose for sale, or have in his possession with intent to sell, in any store or place of business, or on any wagon or other vehicle used in transporting milk from which cream has been removed, or milk commonly called "skim milk," without first marking the can, vessel or package containing said milk with the words "Skim Milk" in large letters, each letter at least three-fourths of one inch high and one-half inch wide; said words shall be on the top or side of said can, vessel or package where they can be easily seen.

SEC. 24. *Instruments for Measuring Milk and Cream Standards*—The State standard milk measures or pipettes shall have for milk a capacity of seventeen and six-tenths cubic centimeters, and the State standard test tubes or bottles for milk shall have a capacity of two cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero" and ten on the graduated scale marked on the necks thereof. For cream, eighteen grams shall be used, and the standard test tubes or bottles for cream shall have a capacity of six cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero" and thirty on



the graduated scale marked on the necks thereof, and it is hereby a misdemeanor to use any other measure, pipette, test tube or bottle to determine the per cent of butter fat where milk or cream is purchased by, or furnished to creameries or cheese factories, and where the value of said milk or cream is determined by the per cent of butter fat contained in the same. Any manufacturer, merchant, dealer or agent in this State who shall offer for sale or sell a cream or milk, pipette or measure, test tube or bottle which is not correctly marked or graduated, as herein provided, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in this Act.

SEC. 25. *Underreading Babcock Test Prohibited*—I shall be unlawful for the owner, manager, agent or any employe of a creamery or cheese factory to manipulate or underread the Babcock test, or any other contrivance used for determining the quality or value of milk, or to falsify the record thereof, or to pay for such milk on the basis of any measurement except the true measurement as thereby determined.

SEC. 26. *Sale of Preservatives Prohibited*—No person, firm or corporation shall manufacture for sale, advertise, offer or expose for sale, or sell, any mixture or compound intended for use as a preservative or other adulterant of milk, cream, butter or cheese, nor shall he manufacture for sale, advertise, offer or expose for sale, or sell any unwholesome or injurious preservative or any mixture or compound thereof intended as a preservative of any food: *Provided, however,* That this section shall not apply to pure salt added to butter and cheese.

SEC. 27. *Milk Dealers in Cities and Villages Over 1,000 to Take Out Licenses*—Every person, firm or corporation, before selling milk or offering it for sale, or having it in his possession with intent to sell, in a store, booth, stand, creamery, cheese factory or any other place, and whoever by himself or his agents conveys milk in carriages, carts or other vehicles, or in any manner, for the purpose of selling the same at retail, or in any city or village of 1,000 inhabitants or more, shall annually on the first day of May, or within thirty days thereafter, be licensed by the State Food Commissioner to sell milk within the limits of said city or village, and shall pay to the said State Food Commissioner the sum of one dollar for each and every carriage, cart or other vehicle thus employed, said moneys to be used in enforcing the provisions of this Act. Licenses shall be used only in the names of the owners of carriages, carts or other vehicles, and shall for the purposes of this Act be *prima facie* evidences of ownership. All licenses shall record the name, residence, place of business, number of carriages, carts, or other vehicles used (where more than one is employed), the name and residence of any driver or other person engaged in selling or delivering said milk, the number of the carriage, cart or other vehicle, if he has more than one, and the number of license. Each licensee shall before engaging in the sale of milk cause his name, the number of his license, and the number of the carriage, cart or other vehicle, if he has more than one; and his place of business, to be legibly placed on each outer side of all carriages, carts or other vehicles used by him in the conveyance or sale of milk, and he shall report to the State Food Commissioner any change of driver, or other person employed by him, which may occur during the term of his license. Any person not keeping more than one cow shall in the sale of milk therefrom be exempt from the provisions of this section.

SEC. 28. *License Revoked*—The Commissioner may withhold a license from any applicant therefor, who prior to application for such license shall have been convicted of violating any of the food laws of this State, and may revoke any license issued by him to an owner who shall be convicted of violating the law with reference to the production, manufacture or sale of milk or products thereof, and every conviction of the licensee for an offense punishable under this Act shall be sufficient ground for such revocation.

SEC. 29. *Coloring Grain*—No person shall, by himself or another, either as principal, clerk or servant, directly or indirectly, subject or cause to be subjected any barley, wheat or other grain to fumigation, by sulphur or other material or to any chemical or coloring process whereby the color, quality or germ of such grain is affected.

SEC. 30. *Fumigated Grain Not to Be on Sale*—No person shall, by himself or another, either as principal, clerk or servant, directly or indirectly, offer for sale, sell or procure to be sold, any barley, wheat or other grain, which shall have been subjected to such fumigation or other process as forbidden by section twenty-nine of this Act.

SEC. 31. *Prohibits Sale of Veal from Calves Less Than*

*Four Weeks Old*—That if any person kills, or causes to be killed, for the purpose of sale, any immature calf, or any calf less than four weeks old, or knowingly sells or has in his possession with intent to sell, for food, the meat of any immature calf, or of any calf less than four weeks old, he shall be guilty of a misdemeanor, and all such meat exposed for sale, or kept with intent to sell, may be seized and destroyed by the Commissioner, or any of his assistants, or any health officer, or any sheriff or deputy sheriff, constable or police officer.

SEC. 32. *Illegal Lard*—No person shall within this State, manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell, as lard, any substance not the legitimate and exclusive product of the fat of the hog.

SEC. 33. *Lard Substitute*—No person shall manufacture for sale within this State, or have in his possession with intent to sell, offer or expose for sale, or sell as lard, or as a substitute for lard, or as an imitation of lard, any mixture or compound which is designed to take the place of lard, and which is made from animal or vegetable oils or fats other than the fat of the hog, or any mixture or combination with animal or vegetable oils or fats, unless the tierce, barrel, tub, pail or package containing the same shall be distinctly and legibly branded or labeled, in letters not less than one inch in length, with the name of the person, firm or corporation making the same, together with the location of the manufactory, and the words "Lard Substitute" or "Adulterated Lard" as the case may be.

SEC. 34. *Person Selling Imitation or Substitute for Lard to Inform Purchaser*—It shall be unlawful to sell or offer for sale any "Lard Substitute" or "Adulterated Lard," as herein defined, without informing the purchaser thereof, or the person or persons to whom the same is offered for sale, that the substance sold or offered for sale is "Lard Substitute" or "Adulterated Lard" as the case may be.

SEC. 35. *Butter or Cheese When Sold to Be Exclusive Product of Milk or Cream*—No person by himself or agents or servants shall manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell as butter or as cheese, any substance not the exclusive and legitimate product of milk or cream.

SEC. 36. For the purpose of this Act, every article, substitute or compound, or any other than that which is produced from pure milk or cream therefrom, made in the semblance of butter and designed to be used as a substitute for butter made from pure milk or its cream, is hereby declared to be imitation butter: *Provided,* That the use of salt and harmless coloring matter for coloring the product of pure milk and cream shall not be construed to render such product an imitation.

SEC. 37. No person shall coat, powder or color with annatto or any coloring matter whatever, any substance designed as a substitute for butter, whereby such substitute or product so colored or compounded shall be made to resemble butter, the product of the dairy.

No person shall combine any animal fat or vegetable oil or other substance with butter, or combine therewith, or with animal fat or vegetable oil, or combination of the two, or with either one, any other substance or substances, for the purpose or with the effect of imparting thereto a yellow color or any shade of yellow so that such substitute shall resemble a yellow or any shade of genuine yellow butter, nor introduce any such coloring matter or such substance or substances into any of the articles of which the same is composed.

*Provided,* Nothing in this Act shall be construed to prohibit the use of salt, rennet and harmless coloring matter for coloring the products of pure milk or cream for the same.

No person shall, by himself or his agents or employes, produce or manufacture any substance in imitation or semblance of natural butter, nor sell, nor keep for sale, nor offer for sale any imitation butter, made or manufactured, compounded or produced in violation of this section, whether such imitation butter shall be made or produced in this State or elsewhere.

This section shall not be construed to prohibit the manufacture and sale under the regulations hereinafter provided, of substances designed to be used as a substitute for butter and not manufactured or colored as herein provided.

SEC. 38. Every person who lawfully manufactures any substance designed to be used as a substitute for butter, shall mark by branding, stamping or stenciling upon the top or side of each box, tub, firkin or other package in which such article shall be kept, and in which it shall be removed from



the place where it is produced, in a clear and durable manner in the English language, the word "Oleomargarine" or the word "Butterine," or the words "Substitute for Butter," or the words "Imitation Butter," in printed letters in plain Roman type, each of which shall not be less than three-quarters of an inch in length.

It shall be unlawful to sell or offer for sale any imitation butter without informing the purchaser thereof, or the person or persons to whom the same is offered for sale, that the substance sold or offered for sale is imitation butter, and the fact that there may be a stencil or other print on the package thereof shall be no defense, unless the purchaser is informed thereof at the time of the delivery of the package.

SEC. 39. No person by himself or others shall ship, consign or forward by any common carrier, whether public or private, any substance designed to be used as a substitute for butter, unless it shall be marked or branded on each tub, box, firkin, jar or other package containing the same, as provided in this Act, and unless it be consigned by the carriers and receipted for by its true name: *Provided*, That this Act shall not apply to any goods in transit between foreign States across the State of Illinois.

SEC. 40. No person shall have in his possession or under his control any substance designed to be used as a substitute for butter, unless the tub, firkin, jar, box or other package containing the same be clearly and durably marked as provided in this Act: *Provided*, That this section shall not be deemed to apply to persons who have the same in their possession for the actual consumption of themselves or their families. Every person who shall have possession or control of any imitation butter for the purpose of selling the same, which is not marked as required by the provisions of this Act, shall be presumed to have known during the time of such possession or control the true character and name, as fixed by this Act, of such product.

SEC. 41. Whoever shall have possession or control of any imitation butter for the purpose of selling the same, which is not marked as required by the provisions of this Act, shall be presumed to have known during the time of such possession or control the true character and name, as fixed by this Act, of such product.

SEC. 41. Whoever shall have possession or control of any imitation butter or any substance designed to be used as a substitute for butter, contrary to the provisions of this Act, for the purpose of selling the same, or offering the same for sale, shall be held to have possession of such property with intent to use it in violation of this Act.

SEC. 42. *Sale of Process Butter Not Branded Prohibited*—No person, firm or corporation, agent or employe shall manufacture for sale, sell, offer or expose for sale, in this State any butter that is produced by taking original packing stock butter, or other butter, or both, and melting same so that the butter fat can be drawn off or extracted, then mixing the said butter fat with skimmed milk, or milk, or cream, or other milk product, and rechurning or reworking the said mixture, or that produced by any process that is commonly known as boiled, process or renovated butter, unless the same is branded or marked as provided in section forty-three of this Act.

SEC. 43. *Process Butter—How Branded*—No person, firm, corporation, agent or employe shall sell, offer or expose for sale, or deliver to a purchaser, any boiled, process or renovated butter as defined in section forty-two of this Act, unless the words, "Renovated Butter," shall be plainly branded with Gothic or bold face letters at least three-fourths of an inch in length on the top and sides of each tub, or box, or pail, or other kind of case or package, or on the wrapper of prints or rolls in which it is put up. If such butter is exposed for sale uncovered, or not in a case or package, a placard containing the label so printed shall be attached to the mass of butter in such a manner as to be easily seen and read by the purchaser. The branding or marking of all packages shall be in the English language, and in a conspicuous place, so as to be easily seen and read by the purchaser.

SEC. 44. *Persons Selling Process Butter to Inform Purchaser*—It shall be unlawful to sell or offer for sale any "renovated" or "process" butter as herein defined without informing the purchaser thereof, or the person or persons to whom the same is offered for sale, that the substance sold or offered for sale is "process" or "renovated" butter.

SEC. 45. *Commissioner to Furnish Blanks to Creameries Condensaries and Cheese Factories for Statistical Information*—The Commissioner shall provide blanks which shall be furnished to all proprietors or managers of creameries, condensaries and cheese factories within the State for the purpose of making a report of the amount of milk and dairy

goods handled, and embodying such other statistical information as the Commissioner may require; and all owners or managers of said creameries, condensaries and cheese factories, shall, on the first day of November of each year, send to the State Food Commissioner a full and accurate report of the amount of business done during the year, including the statistical information required by said Commissioner. Any person failing or refusing to furnish the information requested in this section shall be subject to the penalties hereinafter provided.

SEC. 46. *Illegal Foods to Be Seized*—It shall be the duty of said Commissioner, Assistant Commissioner, Inspectors and Agents, at any and all times, to seize and take possession of any and all food and dairy products, or substitutes therefor, or imitation thereof, kept for sale or held in possession under control contrary to the provisions of this Act, or other laws which now exist, or may hereafter be enacted. Such seizure may be had without a warrant and said Commissioner, Assistant Commissioner and all Inspectors and Agents appointed pursuant to law are hereby given full power and authority of "policemen." Any court having jurisdiction, upon receiving proof of probable cause for believing in the concealment of any food or dairy products or substitutes therefor, or imitation thereof, kept for sale or for a purpose, or had in possession or under control, contrary to the provisions of this Act, or other laws which now exist or may be hereafter enacted, shall issue a search warrant and cause a search to be made in any place therefor, and to that end may cause any building, enclosure, wagon or car to be entered, and any apartment, chest, box, locker, tub, jar, crate, basket, or package to be broken open and the contents thereof examined.

SEC. 47. *Search Warrants to Be Issued for Illegal Food*—All warrants issued pursuant to section forty-six hereof, shall be directed to the sheriff or some constable of the county where such food or dairy product may be supposed to be concealed, commanding such officer to search the house or place where such food or dairy product, or substitutes therefor, or imitation thereof, for which he is required to search, is believed to be concealed, which place and the property to be searched for, shall be designated in the warrant, and to bring such food or dairy product or substitute therefor or imitation thereof, when found, and the person in whose possession the same is found, before the magistrate who issued the warrant, or before some other court or magistrate having jurisdiction of the case to be proceeded against as hereinbefore provided for in section eleven of this Act.

SEC. 48. *State's Attorney to Assist*—It shall be the duty of the State's Attorney in any county of this State when called upon by the Commissioner, or any of his assistants, to render any legal assistance in his power to execute the law and to prosecute cases arising under provisions of this Act.

SEC. 49. *State Board of Health to Furnish Samples*—The State Board of Health may submit to the Commissioner or any of his assistants samples of food or drink for examination or analysis, and shall receive special reports showing the result of such examination or analysis.

SEC. 50. *Food Commissioner and Assistant to Co-operate with National Officials*—The State Food Commissioner, or any other person appointed by him, is hereby authorized to furnish any information within his knowledge or coming within his knowledge of any violation or violations of the laws of the United States relative to the manufacture, sale or transportation of adulterated or misbranded or poisonous or deleterious foods, liquors or dairy products to the persons having charge of the enforcement of said laws, and he may furnish to such officers all information he may have relative to such violation, and in every manner co-operate with said officials in the enforcement of said laws within the State of Illinois.

SEC. 51. *State Analysts Shall Not Furnish Certificate of Purity*—It shall be unlawful for the State Analyst, or any Assistant State Analyst, while he holds his office, to furnish to any individual, firm or corporation any certificate as to the purity or excellence of any article manufactured or sold by them to be used as food or in the preparation of food.

SEC. 52. *Using Shift or Device*—The use of any shift or device to evade any of the provisions of this Act shall be deemed a violation of such provision and punishable as herein provided.

SEC. 53. *Master's Liability, Etc.*—Whoever shall by himself or another, either as principal, clerk or servant, directly or indirectly, violate any of the provisions of this Act, shall be guilty of a misdemeanor and punished as herein provided.

SEC. 54. *Penalties, License Fees and Proceeds Paid to State Treasurer*—All fines, penalties, and all proceeds collected from



goods confiscated and sold under the provisions of this Act and other laws relating to dairy and food products, and all license fees collected hereunder, shall be paid into the State Treasury and placed to the credit of the department charged with the enforcement of these laws, and shall be used in defraying the expenses and salaries provided for and paid out in the manner hereinbefore provided for the payment of salaries and expenses.

SEC. 55. *Label—Size of Type*—The principal label on any package of food, as defined by this Act, shall be printed in English with or without the foreign label in the language of the country where the product is produced or manufactured. The letters shall be either dark colored and on a light background or light colored on a dark background and the size of type if not otherwise described in this Act, shall be not smaller than eight-point (brevier) caps: *Provided*, That in case the size of the package will not permit the use of eight-point cap type, the size of the type may be reduced proportionately.

SEC. 56. *Food Commissioner to Make Rules*—The State Food Commissioner shall make uniform rules and regulations for carrying out the provisions of this Act, and shall have power to make rules and regulations for the analyzing and reporting the results thereof, of articles submitted for analysis by the State Board of Health, and regulating the analyzing and reporting thereon of samples taken under any law or laws of the United States by any person appointed hereunder, or furnished by any officer or employe charged with the enforcement of the laws of the United States relative to the manufacture, sale or transportation of adulterated, misbranded, poisonous or deleterious foods, dairy products, or articles manufactured from dairy products, or liquors.

SEC. 57. *Sale of Bulk Goods*—No person, firm or corporation shall sell, offer or expose for sale any fractional portion of an original package of a food substitute, compound, mixture or blend, unless the same shall be labeled or branded with the name of the food required by law, and in such manner as to be easily seen and read by the purchaser; or unless

a placard containing the label so printed in letters not less than one inch in height, together with the words "Sold Here," shall be exposed in such a manner as to be easily seen and read by the purchaser.

SEC. 58. *Penalty*—Any person convicted of violating any of the provisions of the foregoing Act shall, for the first offense, be punished by a fine in any sum not less than fifteen (15) dollars, and not more than one hundred (100) dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment in the discretion of the Court, and for the second and each subsequent offense by a fine of not less than twenty-five (25) dollars and not more than two hundred (200) dollars, or by imprisonment in the county jail not exceeding one year, or both in the discretion of the Court; or the fine above may be sued for and recovered before any justice of the peace or any other court of competent jurisdiction in the county where the offense shall have been committed, at the instance of the State Food Commissioner or any other person in the name of the People of the State of Illinois as plaintiff and shall be recovered in an action of debt.

SEC. 59. *Judgment—Issuing Capias*—When the rendition of the judgment imposes a fine as provided in any of the sections of this Act, it shall be the duty of the Justice of the Peace or other Court rendering such judgment also to render a judgment for costs and such Justice of the Peace or other Court shall forthwith issue a capias or warrant of commitment against the body of the defendant, commanding that unless the said fine and costs be forthwith paid the defendant shall be committed to the jail of the county and the constable or other officer, to whose hands said capias or warrant shall come, shall in default of such payment arrest the defendant and commit him to the jail of the county, there to remain as provided in Section 171 of "An Act to revise the law in relation to criminal jurisprudence," in force July 1, 1895, unless such fines and costs shall sooner be paid.

SEC. 60. *Repeal*—All acts and parts of acts inconsistent with this Act are hereby repealed.

## PENNSYLVANIA.

Endorsed by the Pennsylvania Dairy and Food Commission.

7—Printer's No.

File Folio—13

### LEGISLATURE OF PENNSYLVANIA.

#### FILE OF THE SENATE.

No. 5.

Session of 1907

Mr. Tustin, in place, January 16, 1907.

Mr. Gerberich, Public Health and Sanitation, January 23, 1907.

#### AN ACT

Creating an Advisory Board to the Dairy and Food Commissioner giving him certain duties and powers providing against the adulteration, misbranding and sale of food and drink providing a defense in certain actions for the sale of adulterated food and drink providing for foreign manufacturers or dealers in food and drink to appoint representatives within the State providing for the enforcement of this Act and punishment for the violation thereof and for the repeal of all laws inconsistent thereto.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met and it is hereby enacted by the authority of the same* That no person, firm or corporate body shall within the State manufacture for sale, offer for sale, have in possession with intent to sell or sell any article used for food or drink by man which is adulterated or misbranded within the meaning of this act.

SEC. 2. That the Dairy and Food Commissioner of the State shall be charged with the enforcement of this Act and

for the purposes of its enforcement shall be empowered to employ such assistants, agents, chemists, attorneys, etcetera, as he may deem necessary. The said Commissioner shall have power to obtain in the open market samples of products used for food or drink by man upon tending and paying the full market value thereof to the person from whom said samples are obtained. That the examinations of the samples so taken shall be made by the chemists appointed by the said Commissioner in all action brought by the Dairy and Food Commissioner under the provisions of this act.



Dairy and Food Commissioner for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this Act, and if it shall appear from any such examination that any of such samples is adulterated or misbranded within the meaning of this Act the Dairy and Food Commissioner shall cause notice thereof to be given to the person from whom such sample was obtained. Any person so notified shall be given an opportunity to be heard under such rules and regulations as the Dairy and Food Commissioner, together with the Advisory Board, may prescribe, and if it appears that any of the provisions of this Act have been violated by such person then the Dairy and Food Commissioner shall begin an action against the said person for the enforcement of the penalty or penalties prescribed by this Act.

SEC. 3. There shall be appointed by the Governor of the State of Pennsylvania within thirty days after the approval of this act an Advisory Board of six members consisting of one manufacturer of food products, one wholesale grocer, one retail grocer, one representative of food products manufactured outside of the State, one chemist and one manufacturing confectioner, who shall in conjunction with the Dairy and Food Commissioner make uniform rules and regulations for carrying out the provisions of this Act.

The members of this Advisory Board shall receive as compensation for their services their traveling expenses and the sum of ten dollars per diem for attendance at each meeting of the said board.

The Dairy and Food Commissioner shall preside at the meetings of the said board and meetings shall be held at the call of the Dairy and Food Commissioner or at the request in writing of a majority of the members of said board.

SEC. 4. That for the purposes of this act an article shall be deemed to be adulterated

In the case of confectionery,

If it contain terra, alba, barytes, talc, chrome yellow or other mineral substitute or any poisonous color flavor or other ingredient deleterious or detrimental to health or any vinous malt or spirituous liquor or compound or narcotic drug.

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisonous or other deleterious ingredient which may render such article injurious to health; provided, that when in the preparation of food products for shipments they are preserved by any external application applied in such manner that the preservative is necessarily revived mechanically or by maceration in water or otherwise, and directions for the removal of said preservative shall be printed in the covering of the package the provisions of this act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consist in whole or in part of a filthy, decomposed or putrid animal or vegetable substances or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of the diseased animal or one that has died otherwise than by slaughter.

SEC. 5. That the term "misbranded" as used herein shall apply to all articles used for food or drink by man or articles which enter into the composition of food or drink the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular and to any article of food or drink which is falsely branded as to the State, territory or country in which is it manufactured or produced.

That for the purpose of this act an article shall also be deemed to be misbranded:

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser or purport to be foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such packages.

Third. If in package form and the contents are stated in terms of weight or measure they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substance contained therein which statement, design or device shall be false or misleading in any particular; provided, that an article of food or drink which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food or drink under their own distinctive names and not an imitation of or offered for sale under the distinctive name of another article if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends and the word "compound," "imitation" or "blend," as the case may be, is plainly stated on the package in which it is offered for sale; provided, that the term "blend" as used herein shall be construed to mean a mixture of like substances not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only and providing further that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

SEC. 6. That no person, firm or corporate body shall within this State manufacture for sale, offer for sale, have in possession with intent to sell, or sell any cider, tomato catsup, fruit jams, fruit syrups, jellies or preserves containing more than one-tenth of one per centum of sodium benzoate, the presence of which said one-tenth of one per centum shall in every case be stated upon the label of the said cider, tomato catsup, fruit jams, fruit syrups, jellies or preserves in type as large or larger than eight-point; provided, that the provisions of this section shall also apply to such other articles of food or drink as the Dairy and Food Commissioner may from time to time determine cannot be successfully marketed without the addition of the aforesaid sodium benzoate in the said percentage of one-tenth of one per centum.

SEC. 7. In any case where the Dairy and Food Commissioner or his agent or agents shall purchase of any manufacturer or wholesale or retail dealer a sample or samples of any product used for food or drink by man with the intention of having the same subjected to a chemical analysis for the purpose of instituting legal action in case said sample or samples are found to be adulterated or misbranded within the meaning of this act, it shall be the duty of the said Commissioner or his agent or agents to divide the said sample if the article so bought is physically capable of such division into three parts, immediately sealing each part into a separate compartment or package and inscribing on each of said packages in ink the date of purchase, the name and address of manufacturer, wholesale or retail dealer from whom purchased, and the name and official title of the person making said purchase. One-third of the said sample or samples after division as aforesaid shall be immediately deposited with the manufacturer or wholesale or retail dealer from whom the same was purchased; the other two-thirds shall be delivered to different chemists employed by the Dairy and Food Commissioner of this State for analysis; provided, that in any case said sample or samples may not be physically capable of such division, it shall then be the duty of the said Dairy and Food Commissioner to have two chemical analyses made of said sample or samples by different chemists as soon as the package containing said sample or samples is opened. And if in any case the opinion of the different chemists making the analysis of the samples as aforesaid do not agree that the said sample or samples are adulterated within the terms of this act, then and in that case no legal action shall be begun by the Dairy and Food Commissioner against the manufacturer or wholesale or retail dealer from whom said sample was taken.

SEC. 8. Any person, firm or corporate body whose principal office is situated outside of this State and which shall be engaged in the manufacture or sale within the State of Pennsylvania of products used for food and drink by man shall file in the office of the Secretary of Agriculture a statement under the seal of the corporation, if a corporation, and signed by the president and secretary thereof, or if a partnership, then by at least two members of the firm thereof appointing a resident agent within this commonwealth upon whom legal process



SEC. 9. No dealer shall be convicted under the provisions of this act where he can legally establish that the wholesaler, jobber, manufacturer or other person either residing in this commonwealth or having a duly registered representative as herein provided from whom he purchased said articles has guaranteed under his name and address that the said article or articles are not adulterated or misbranded within the meaning of this act.

SEC. 10. It shall be unlawful for the Dairy and Food Commissioner or any of his agents, chemists, attorneys or representatives to publish in any bulletin, official or unofficial communication, or in any other manner the statement that any article has been found to be adulterated or misbranded within the meaning of this act before the court having jurisdiction of such cases has determined through formal decision that said article used for food and drink is adulterated or misbranded within the meaning of this act.

SEC. 11. Every person, firm or corporate body and every officer, agent, servant and employe of such person, firm or corporate body who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof in the Court of Quarter Sessions of the Peace of the proper county shall be sentenced to pay a fine of not less than one hundred dollars or more than two hundred and fifty dollars, and upon conviction for a second offense shall be sentenced to pay a fine of not less than two hundred and fifty or more than five hundred dollars or to undergo an imprisonment not exceeding sixty days or both, at the discretion of the court.

SEC. 12. All penalties and costs imposed and recovered under the provisions of this act shall be paid to the Dairy and Food Commissioner or to his agents and by him put into the State Treasury to be kept as a fund separate and apart for the use of the Department of Agriculture and to be drawn out upon warrant signed by the Secretary of Agriculture and the Auditor General.

SEC. 13. The following acts of Assembly, namely,

An act entitled "An act to provide against the adulteration

of food and providing for the enforcement thereof," approved the twenty-sixth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws three hundred and seventeen).

An act entitled "An act to enlarge the duties of the State Food Commissioner authorizing him to enforce all laws against the adulteration or impurities in vinegar, jellies, cider, evaporated apples, and all apple products, and the unlawful labeling in the State of Pennsylvania," approved the fifteenth day of July, one thousand eight hundred and ninety-five (Pamphlet Laws six hundred and five).

An act entitled "An act relative to adulteration of natural fruit juice and providing penalties for violations thereof," approved the second day of May, one thousand nine hundred and one (Pamphlet Laws one hundred and twenty-three).

An act entitled "An act to prohibit the adulteration of food and providing for the enforcement thereof," approved the twenty-seventh day of April, one thousand nine hundred and three (Pamphlet Laws three hundred and twenty-four).

An act entitled "An act to prohibit the selling, shipping, consigning, offering for sale, exposing for sale, or having in possession with intent to sell as fresh, any meat, poultry, game, fish or shell fish which contains any substance or article possessing the preservative or coloring character or action making same a misdemeanor and prescribing penalties and punishment for violations and the means and the methods of procedure for the enforcement thereof," approved the twenty-eighth day of March Anno Domini one thousand nine hundred and five (Pamphlet Laws sixty-four).

An act entitled "An act regulating the manufacture or sale of fruit syrups providing for the enforcement thereof and to repeal an act entitled "An act relative to adulteration of natural fruit syrup and providing penalties for violation thereof approved the second day of May, one thousand nine hundred and one," approved the twenty-sixth day of April, one thousand nine hundred and five (Pamphlet Laws three hundred and eleven). And

All other acts and parts of acts pertaining to the said matter covered by this act be and the same are hereby repealed.

## NORTH DAKOTA.

Endorsed by the North Dakota Food Commissioner.

An Act to prevent the adulteration, misbranding and selling of adulterated and insufficiently labeled drugs or medicines, restricting or prohibiting the sale of certain drugs, prescribing a penalty for the violation hereof, providing for the inspection, testing and analyzing of said drugs and medicines, charging the North Dakota experiment station with the duty thereof, and charging the State's Attorney with the enforcement hereof.

*Be it enacted by the Legislative Assembly of the State of North Dakota:*

SECTION 1. *Adulterating and Labeling Drugs.* It shall be unlawful for any person, his agent or servant, or while acting as agent or servant of any other person or corporation to manufacture for sale, offer for sale, or sell within this state any drug which is adulterated within the meaning of this act.

SEC. 2. *Drugs Defined.* The term "drug" as used in this act shall include all medicines for internal or external use, antiseptics, disinfectants, washes, perfumes, and cosmetics.

SEC. 3. *What Constitutes Adulteration.* A drug shall be deemed to be adulterated:

First. If, when sold under or by a name recognized in the United States Pharmacopœia or the National Formulary, official at the time, it differs from the standard of strength, quality or purity prescribed therein, unless the order therefor requires an article inferior to such standard or unless such difference is made known or so appears to the purchaser at the time of the sale.

Second. If, when sold under or by a name not recognized in the United States Pharmacopœia, or the National Formulary, but which is found in some other pharmacopœia or other standard work on materia medica, it differs materially from the standard of strength, quality or purity prescribed in such work.

Third. If its strength, quality or purity falls below the professed standard under which it is sold.

If it be an imitation of or offered for sale under the name of another article, or if it be falsely labeled in any respect with regard to its composition, properties, uses, or place of manufacture, or if it bear any design which shall deceive or tend to deceive.

Provided, that a drug or medicine shall not be deemed adulterated in the following case.

First. If the standard of strength or purity of any drug has been raised since the issue of the last edition of the United States Pharmacopœia or of the National Formulary, no prosecution relative to it shall be maintained until such change of standard has been published throughout the commonwealth.

SEC. 4. *Drugs and Medicines to Be Labeled.* Every proprietary product, drug, medicine or beverage containing any alcohol, morphine, opium, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate bromine, iodine, acetanilid, or croton oil, or of any derivatives or preparation of any such substances contained therein shall be clearly labeled in plain open Gothic letters printed on a white background showing the name, the proportion or percentage of each of the foregoing constituents, and said facts shall all be



set forth on the face or principal label and separate from other statements, and in such a way as to be clearly seen.

SEC. 5. *Cocaine, How Sold.* No product or preparation shall be sold, offered for sale, or given away which contains cocaine or any of its salts or derivatives, and no delivery of cocaine or its salts shall be made in this state except upon the written prescription of a licensed physician, dentist, or veterinarian, and said prescription shall not be refilled. Any druggist violating this section of the act shall forfeit his license.

SEC. 6. *Methyl Alcohol Prohibited.* It shall be unlawful to sell, offer or expose for sale, or to have in possession, any preparation or product intended for the use of man, either for internal or external purposes, including washes and perfumes, which contain methyl alcohol or wood spirits.

SEC. 7. *Physician's Prescription to Be Filled.* Nothing in this act shall be so construed as to in any way interfere with the written prescription of any regularly licensed physician or with the filling of the same by a licensed druggist.

SEC. 8. *Penalty for So Doing.* Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor and shall for the first offense be punished by a fine of not less than five dollars or more than one hundred dollars, and all necessary costs, including the expense of analyzing such adulterated articles when said person has been found guilty under this act, and all such adulterated or misbranded articles may by order of the court be seized and destroyed.

SEC. 9. *Duty of State's Attorney.* It shall be the duty of the attorney-general and state's attorney to prosecute all persons violating any of the provisions of this act when the evidence thereof has been presented by the North Dakota Government Agricultural Experiment Station as provided for in Sections 11 and 12 of this act.

SEC. 10. *The North Dakota Experiment Station to Inspect and Analyze Drugs and Medicines.* The North Dakota Government Agricultural Experiment Station shall make analysis of drugs and medicines found on sale in North Dakota suspected of being adulterated, at such time and places and to such extent as it may determine, and may appoint such agent or agents as it may deem necessary for the enforcement of the provisions of this act, and such agent or agents shall have free access and egress, at all reasonable hours, for the purpose of examining into any place wherein it is suspected any drug or medicine adulterated with any deleterious or foreign ingredient or which falls below the standard of purity or where such ingredients exist, and such agent or agents, upon tendering the market price of said article, may take from any person, firm or corporation samples of any articles suspected of being adulterated as aforesaid.

SEC. 11. *Facts—How Transmitted.* Whenever said station shall find by its analysis that adulterated drugs have been on sale in this state or that said drugs are in violation of this act, it shall forthwith transmit the facts so found to the Attorney-General and State's Attorney of the county in which said adulterated product was found.

SEC. 12. *Certificates as Evidence.* Every certificate duly signed and acknowledged by the chemist of the North Dakota Government Agricultural Experiment Station at Fargo, relating to the analysis of any drug, drug products or medicines, shall be presumptive evidence of the facts therein stated.

SEC. 13. *Station to Make Annual Report.* The said station shall make an annual report to the governor upon the work done under this act and said report may be included in the report which said station is already authorized by law to make to the governor. Said station is further authorized to publish and distribute bulletins giving the results of such analysis and investigations as have been made under authority of this act.

SEC. 14. *Emergency.* Whereas an emergency exists, since inadequate protection is afforded against the sale of cocaine and other narcotics, therefore, this act shall take effect and be in force from and after its approval.

An Act to prevent the adulteration and Misbranding of foods and beverages, and providing for the proper labeling of all foods and beverages.

*Be it enacted by the Legislative Assembly of the State of North Dakota.*

SECTION 1. *Adulterating and Misbranding Foods and Beverages.* It shall be unlawful for any person, either himself, or while acting as agent or servant of any other person or corporation, to manufacture for sale, sell, offer or to have for sale, to solicit orders for, to store or to deliver within the state any article of food or beverage which is unwholesome, misbranded, adulterated or insufficiently labeled within the meaning of this act. The having in possession of such adul-

terated, unwholesome misbranded or insufficiently labeled article or articles shall be deemed prima facie evidence of the violation thereof. For the purpose of this act all condiments, extract, vinegars, or other substances used in the preparation or compounding of foods or food products and beverages shall be deemed as articles of food.

SEC. 2. *What Constitutes Adulteration.* Any article of food or beverage shall be considered as misbranded, unwholesome, adulterated or insufficiently labeled within the meaning of this act:

First. If it contains any form of aniline dye or other coal tar dye, or if colored (and not in violation of clause 6 of this section) with a harmless vegetable dye and the name thereof is not given on the label.

Second. If it contain formaldehyde, benzoic acid, sulphurous acid, boric acid, salicylic acid, hydrofluoric acid, saccharin, benaphthol, or any salt or antiseptic compound derived from these products, or other deleterious ingredient.

Third. If any substance or substances have been mixed with it so as to reduce or lower or injuriously affect its quality or strength or food value so that such article of food or beverage when offered for sale shall deceive or tend to deceive the purchaser.

Fourth. If any inferior or cheaper substance or substances shall have been substituted wholly or in part for the article so that the product when sold shall deceive or tend to deceive the purchaser.

Fifth. If any necessary or valuable constituent of the article has been in whole or in part abstracted.

Sixth. If it be an imitation of or offered for sale under the specific name of another article.

Seventh. If it be labeled, branded, colored, coated, or stained, whereby damage or inferiority is concealed, so as to deceive or mislead the purchaser, or if it be falsely labeled in any respect.

Eighth. If it consists wholly or in part of a diseased, decomposed, filthy or putrid animal or vegetable substance, or if such substance or substances be used in the preparation thereof, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

Ninth. If every package, bottle or container does not bear the true net weight, the name of the real manufacturers or jobbers, and the true grade or class of the product, the same to be expressed on the face or principal label in clear and distinct English words in black type on a white background, said type to be in size uniform with that used to name the brand or producer.

Provided, that an article of food or beverage shall not be deemed adulterated in the following cases:

First. If it be a compound or mixture of recognized food products not included in definitions sixth and eighth of this section, and if it be properly labeled or tagged to comply with the other provisions of Section 2.

Second. In the case of candies and chocolates if they contain no terra alba, barytes, talc, chrome yellow or other mineral substances or aniline dyes or other coal tar dyes or other poisonous colors, flavors or products detrimental to health.

Third. If in the case of baking powders or any mixture or compound intended for use as a baking powder they have affixed to each and every box, can or package containing such powder or like mixture or compound, a light colored label upon the outside and on the face of which there is distinctly printed with black ink and in clear legible type the name and address of the manufacturers, the true and correct analysis, and in a form to be prescribed by the North Dakota Government Agricultural Experiment Station, of each and all the constituents or ingredients contained in or contributing a part of such baking powders or mixture or compound intended for use as baking powder. The label shall bear no advertising or descriptive matters other than the name of the manufacturer, composition as prescribed for above, and directions for use.

Fourth. In the case of perishable goods put up in bulk, sodium benzoate or other less harmful preservatives may be used in proportion not to exceed one part in two thousand in such products and under such regulations as may be determined upon and proclaimed by the North Dakota Government Agricultural Experiment Station at Fargo. This clause shall not be applicable to any case at any time where products can be commercially produced without the use of chemical preservatives. Where the use of preservatives is permitted the fact shall be clearly set forth on the face label in a form and manner to be prescribed by the North Dakota Government Agriculture Experiment Station at Fargo.

SEC. 3. *Penalty for So Doing.* Any person violating any of the provisions of this act shall be deemed guilty of a mis-



demeanor and shall for each offense be punished by a fine of not less than twenty-five dollars or more than one hundred dollars, and all necessary costs, including the expense of analyzing such adulterated articles when said person has been found guilty under this act.

Products found to be adulterated within the meaning of this act may by order of the court be seized and ordered destroyed.

SEC. 4. *Duty of State's Attorney.* It shall be the duty of the attorney-general and the state's attorney to prosecute all persons violating any of the provisions of this act when the evidence thereof has been presented by the North Dakota Government Agricultural Experiment Station as provided for in Sections 7 and 8 of this act.

SEC. 5. *The North Dakota Experiment Station to Inspect and Analyze Foods and Beverages.* The North Dakota Government Agricultural Experiment Station shall make analysis of food products and beverages on sale in North Dakota suspected of being adulterated, at such times and places and to such extent as it may determine and may appoint for the enforcement of the terms of this act a commissioner and such other agent or agents as it may deem necessary, and the sheriffs of the respective counties of the state are hereby appointed and constituted agents for the enforcement of this act, and such commissioner, agent or agents and sheriffs shall have free access, at all reasonable hours, for the purpose of examining into any place wherein it is suspected any article of food or beverage adulterated with any deleterious or foreign ingredient or ingredients exist, and such commissioner, agents or sheriff upon tendering the market price of said article may take from any person, firm or corporation samples of any articles suspected of being adulterated as aforesaid, and the station may adopt or fix standards of purity, quality or strength when such standards are not specified or fixed by statute.

SEC. 6. *Citizen May Send Sample of Food or Beverage for Analysis.* Any citizen of the state may, by prepaying the transportation charges, send any article of manufactured food, or food product, or beverage in the original package to said station to be analyzed. And such article if not before analyzed shall be analyzed and included in the next bulletin or report of the station as provided for in Section 9 of this act.

SEC. 7. *Facts, How Transmitted.* Whenever said station shall find by its analysis that adulterated food products have been on sale in this state, it shall forthwith transmit the facts so found to the attorney-general and to the state's attorney of the county in which said adulterated food product was found.

SEC. 8. *Certificates as Evidence.* Every certificate duly signed and acknowledged by the chemist of the North Dakota

Government Agricultural Experiment Station at Fargo relating to the analysis of any food, food product or beverage, shall be presumptive evidence of the facts therein stated.

SEC. 9. *Station to Make Annual Report.* The said station shall make an annual report to the governor upon adulterated food products, and said report may be included in the report which the said station is already authorized by law to make to the governor and the said station is further authorized to publish or cause to be printed from time to time such bulletins as are found necessary for setting forth the results of analysis and investigations made under this act, and in June and December of each year the said station shall furnish to the auditor of each county in the state a certified list of all adulterated foods, food products and beverages as found by such analysis, showing the name and brand of the article, the manufacturer and the reason for classing the same as illegal. The county auditor of each county shall cause the said list to be printed in the official papers of such county. Said publication shall be made in July and January of each year and shall continue for two successive issues, to be paid for by such county at the rate allowed by law for publishing the proceedings of the Board of County Commissioners.

SEC. 10. *Duty of Sheriff on Presentation of Complaint of Violation of This Act. Compensation.* It is hereby made the duty of the sheriff of any county of this state, on presentation to him of a verified complaint of the violation of any provision of this act, to at once proceed to obtain by purchase a sample of the adulterated food, food products or beverage complained of, and forward the same to the said station for analysis marking the package or wrapper containing the same for identification with the name of the person from whom procured, the date on which the same was procured and the substance therein contained. For his services hereunder the said sheriff shall be allowed the same fees for travel as are now allowed by law to sheriffs on service of criminal process, together with such compensation as may be by the county commissioners of his county deemed reasonable, and all amounts expended by him in procuring and transmitting the said samples, which fees and amount expended shall be audited and allowed by the said commissioners and paid by his said county as other bills of said sheriff.

SEC. 12. *No Action in Court.* No action shall be maintained in any court in this state on account of any sale or other contract made in violation of this act.

SEC. 13. *Repeal.* All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

SEC. 14. *Emergency.* Whereas, an emergency exists in that the title to the present food law is imperfect, and inadequate protection is afforded against the sale of short weight goods, therefore, this act shall take effect and be in force from and after its passage and approval.

## WASHINGTON.

Endorsed by the Washington Dairy and Food Commission.

This Bill was prepared by the Washington State Grocers' Association.

An Act to provide against the adulteration of foods, drinks and drugs, and fraud in the sale thereof; creating a State Board of Food Commission, defining their duties and providing for the appointment of an officer to be known as the State Dairy and Food Commissioner; providing for the enforcement of the law and fixing a penalty for violation thereof; making an appropriation and repealing chapter XCIV of the Laws of 1901 as amended by Chapter 51 of Laws of 1905, being an act entitled, "An Act to provide against the adulteration of food and fraud in the sale thereof; creating a State Board of Food Commission, defining their duties and providing for the appointment of an officer to be known as the State Dairy and Food Commissioner; providing for the enforcement of the law and fixing a penalty for violation thereof; making an appropriation, declaring an emergency, and repealing 'An Act to provide against the adulteration of food,' approved March 13, 1899," approved March 16, 1901.

Be it enacted by the legislature of the state of Washington:

Section 1. No person, firm or corporation shall, within this state, sell, offer for sale, have in his possession with intent to sell, or manufacture for sale, any article of food or drug which is adulterated or misbranded within the meaning of this act.

Sec. 2. That the term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopoeia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals. The term "food," as used herein, shall include all articles used for food, drink, confectionery or condiment by man or other animals, whether simple, mixed or compound.

Sec. 3. That for the purposes of this act an article shall be deemed to be adulterated:

In the case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopoeia or National Formulary, it differs from the standard of strength, quality or purity, as determined by the test laid down in the United States Pharmacopoeia or National Formulary official at the time of investigation: provided, that no drug defined in the United States Pharmacopoeia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopoeia or National Formulary.



Second. If its strength or purity fall below the professed standard or quality under which it is sold.

In the case of confectionery:

If it contains terra alba, barytes, talc, chrome yellow or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to the health, or any vinous, malt, or spiritous liquor or compound or narcotic drug.

In case of food:

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health: Provided, That when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

Sec. 4. That the term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the state, territory or country in which it is manufactured or produced.

That for the purposes of this act an article shall also be deemed to be misbranded:

In case of drugs:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative or preparation of any such substances contained therein.

In the case of food.

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative or preparation of any substance contained therein.

Third. If the package, bottle or container shall not bear the true net weight or net measure, the true grade or class of the product, the same to be expressed in clear, distinct English words, in black type on a white background. The size of the type shall be no smaller than eight points (brevier) caps; provided, that in case the size of the package will not permit the use of eight point type the size of the type may be reduced proportionately.

Fourth. If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular; Provided, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded or tagged so as plainly to indicate that they are compounds, imitations or blends, and the word "compound," "imitation" or "blend," as the case may be, is plainly stated on the package in which it is offered for sale; Provided, That the term blend as used herein shall be construed as to mean a mixture of like substances, not excluding harmless coloring and flavoring ingredients used for the purpose of coloring and flavoring only; and, provided, further, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients, to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

Sec. 5. No dealer shall be convicted under the provisions of this act if he shall prove a written guaranty of purity in the form approved by the Dairy and Food Commissioner; provided, that the guarantor is a resident of the State of Washington. The guaranty referred to herein shall contain the full name and address of the person, firm or corporation making the sale to the dealer, and such person, firm or corporation shall be held liable to all prosecutions, fines and other penalties which would attach to the dealer under the provisions of this act.

Sec. 6. Possession by any person, firm or corporation of any article of food or drug, the sale of which is prohibited by this act, or being the consignee thereof, shall be prima facie evidence that the same is kept or shipped to the said person, firm or corporation in violation of the provisions of this act, and the Dairy and Food Commissioner is hereby authorized to seize upon and take into his possession such articles of food and thereupon apply to the Superior Court of the country in which such food is seized for an order directing him to dispose of or sell the same and apply the proceeds of the same to the general fund, less the amount required to reimburse the purchaser for actual loss as shown by the bill, provided he or they have a guaranty as required in section 5; provided, however, that the Dairy and Food Commissioner shall first give notice to the person, firm or corporation in whose possession such goods are found, if in the possession of a common carrier, then the consignee of such food or drug, notifying such person, firm or corporation that he has seized such foods or drugs, and the reasons therefor, and that he has made an application to the Superior Court for an order to sell or dispose of the same, and that he will call up said application for hearing on a day certain, which shall not be less than ten days from the service of such notice, and that at the hearing of said application the said person, firm or corporation shall show cause, if any they have, why the prayer of the petition should not be granted. Upon the hearing of said petition the affidavits or oral testimony may be introduced to establish the contention of the respective parties. Hearing, however, may be had at an earlier date by mutual consent of the parties to said application.

Sec. 7. Every person selling, exhibiting or offering for sale, manufacturing or having in his possession with intent to sell or serve, or delivering to a purchaser, any article of food or drug included in the provisions of this act, shall furnish to any person demanding the same, who shall apply to him for the purpose and shall tender him the price at which the article of food is sold, a sample sufficient for the analysis of any such article of food which is in his possession.

Sec. 8. The State Dairy Commissioner shall also be the State Food Commissioner and shall be known as the Dairy and Food Commissioner, and he shall receive in addition to his salary as State Dairy Commissioner \$600 per year as extra compensation for enforcing the provisions of this act. He shall also have power to appoint such deputies as may be necessary, and pay therefore not to exceed three dollars per day, provided, however, that the aggregate services of all deputies employed by him shall not exceed the appropriation made therefor.

Sec. 9. It shall be the duty of the chemist of the State Agricultural Experiment Station to analyze any and all substances that the Dairy and Food Commissioner may



send to him, and report to the commissioner, without unnecessary delay, the result of any analysis so made, and when called upon by the said commissioner, the chemist shall assist in the prosecution of violations of the law by giving testimony as an expert or otherwise.

Sec. 10. It shall be the duty of the Attorney General and the Prosecuting Attorney in any county of this state, when called upon by the Dairy and Food Commissioner, to render any legal assistance in their power to execute the law and prosecute the case arising under the provisions of this act; provided, that the Dairy and Food Commissioner may employ special counsel.

Sec. 11. The Dairy and Food Commissioner, or his deputies, shall have power in the performance of their official duties to enter any restaurant, eating house, hotel, public conveyance, public or private hospital, asylum, school, eleemosynary or penal institution, where foods or drugs or served or used, and take for analysis any article of food or drug, or ingredients which enter into the composition of food or drugs, there used. Any article of food, drugs or ingredients which enter into the composition of foods or drugs therein used and so taken. If found to be adulterated, shall be prima facie evidence that the same is kept to be used or served to patrons, guests, boarders, patients or inmates of such institution, and the person, firm or corporation owning and operating said restaurant, eating house, hotel, public conveyance, public or private hospital, asylum, school, eleemosynary or penal institution, and having in his or its possession adulterated foods or drugs shall be deemed to have such adulterated foods or drugs contrary to the provisions of this act.

Sec. 12. Every person, firm or corporation violating the provisions of this act or refusing to comply upon demand with any of the provisions thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than twenty-five dollars (\$25) and not to exceed five hundred dollars (\$500), or, in case of second offense, to be imprisoned not less than thirty days and not to exceed ninety days, or both such fine and imprisonment. Any person found guilty of selling, offering for sale, having in his pos-

session with intent to sell or serve, or manufacturing for sale any adulterated article of food or drug under the provisions of this act, shall pay, in addition to the penalties herein provided for, all necessary costs and expenses incurred in inspecting and analyzing such adulterated articles of food or drugs, in addition to the costs of such action; provided, that all penalties and costs for the violation of the provisions of this act shall be paid to the Board of State Dairy and Food Commission, or to their agent, and by them paid into the State Treasury and applied to the general fund.

Sec. 13. The State Board of Dairy and Food Commission ex-officio shall be the State Board of Dairy and Food Commission, and said Board shall hereafter be known and described as the "State Board of Dairy and Food Commission".

Sec. 14. All expenses incurred under the provisions of this act shall be paid out of the general fund, and shall be audited by the State Auditor upon bills being presented, appropriately certified by the Board of Dairy and Food Commission, and the State Auditor shall from time to time draw warrants upon the State Treasury (Treasurer) for the amounts thus audited.

Sec. 15. The Dairy and Food Commissioner shall publish each month a report of the work of his office, including the brand, name and address of manufacturer, analysis and fines of foods and drugs found to be adulterated, and the necessary expense, if any, of said publication, shall be defrayed as provided in section 14 of this act.

Sec. 16. An Act entitled "An Act to provide against the adulteration of food and fraud in the sale thereof; creating a State Board of Food Commission, defining their duties and providing for the appointment of an officer to be known as the State Dairy and Food Commissioner; providing for the enforcement of the law and fixing a penalty for violation thereof; making an appropriation, and declaring an emergency, and repealing 'An Act to provide against the adulteration of food,' approved March 13, 1899," being Chapter XCIV. of the Laws of 1901, as amended by Chapter 51 of the Laws of 1905, is hereby repealed.

## NEW HAMPSHIRE.

Endorsed by the New Hampshire Board of Health.

HOUSE BILL

No. 231

Introduced by Mr. Matthews of Concord.

### STATE OF NEW HAMPSHIRE.

In the year of our Lord one thousand nine hundred and seven.

#### AN ACT

For preventing the manufacture or sale of adulterated or misbranded, or poisonous, or deleterious foods, drugs, medicines and Liquors.

*Be it enacted by the Senate and House of Representatives in General Court Convened.*

SECTION 1. No person, firm or corporate body shall, within the state, manufacture for sale, offer for sale, have in possession with intent to sell, or sell any adulterated or misbranded article of food or substance to be used in the manner of food or drink, or any adulterated or misbranded drug or substance to be used in the manner of medicine.

SEC. 2. The term "food," as used in this Act, shall include all articles used for food, drink, confectionery or condiment by man or other animals, whether simple, mixed or compound. The term "drug," as used herein, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary, for internal and external use, and any substance intended to be used for the cure, mitigation or prevention of disease of either man or other animals.

SEC. 3. For the purpose of this Act an article shall be deemed to be adulterated:

In the case of foods:

First. If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain any added substance or ingredient that is poisonous or injurious to health.



Sixth. If it contain any added antiseptic or preservative substance except common table salt, salt peter, cane or beet sugar, vinegar, spices or wood smoke. *Provided*, That when in the preparation of food products for shipment they are preserved by any external application applied in such a manner that the preservative is necessarily removed mechanically or by maceration in water or otherwise, and directions for the removal of said preservative shall be printed on the covering of the package, the provisions of this act shall be construed as applying only when said products are ready for consumption. And *furthermore*, the provisions of this act shall not apply to the addition of not more than one-tenth of one per cent of benzoate of soda in the case of cider, tomato catsup, fruit jams, jellies or preserves, or such other perishable articles of food or drink as the State Board of Health may from time to time determine cannot be successfully marketed without such addition, the presence and percentage of which said benzoate of soda shall in every case be stated upon the label of the said cider, tomato catsup, fruit jams, jellies or preserves, or other articles hereafter determined, in type as large or larger than eight point caps; *Provided*, That in case the size of the package will not admit of the use of eight point cap type the size of the type may be reduced proportionately.

Seventh. If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of any animal unfit for food, whether manufactured or not, or if it is a product of a diseased animal, or one that has died otherwise than by slaughter.

In the case of confectionery:

If it contains terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous flavor or color, or other ingredient deleterious or detrimental to health, or any vinous, malt or spiritous liquor, or compound or narcotic drug.

In the case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality or purity as determined by test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation; *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

SEC. 4. The term "misbranded" as used herein shall apply to all drugs or articles of food, or articles which enter into the composition of foods, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the state, territory or country in which it is manufactured or produced.

That for the purposes of this Act an article shall be deemed to be misbranded:

In the case of foods:

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the presence and quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide or benzoate of soda, or any derivative or preparation of any such substances contained therein.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not correctly stated on the outside of the package.

Fourth. If the package containing it, or its label shall bear any statement, design or device regarding the ingredients, or the substances contained therein, which statement, design or device shall be false or misleading in any

particular. *Provided*, That an article of food that does not contain any added poisonous or deleterious ingredients shall not be deemed to be misbranded or adulterated in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food under their own distinctive names, and not an imitation of, or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, That the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring or flavoring only. And *provided further*, That nothing in this act shall be construed as requiring manufacturers or proprietors of proprietary foods which shall contain no unwholesome added ingredient to disclose trade formulas except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

Drugs shall be deemed to be misbranded:

First. If the article be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilide, or any derivative or preparation of any such substances contained therein.

SEC. 5. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same in original unbroken package is not adulterated or misbranded within the meaning of this act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer.

SEC. 6. From and after the passage of this Act, in all civil actions to recover the purchase price of any product used for food or drink or medicine by man, it shall be competent for the defendant in every such case to prove that the product was adulterated or misbranded within the meaning of this Act, and proof thereof having been made, shall amount to a good and legal defense of the whole of the plaintiff's demand.

SEC. 7. The State Board of Health shall make uniform rules and regulations for carrying out the provisions of this Act, including the collection and examination of specimens of foods and drugs manufactured, offered for sale, or sold in this state. The examination of foods and drugs shall be made at the laboratory of the State Board of Health, and the results of such examination shall be published in the bulletin issued by the State Board of Health.

SEC. 8. It shall be the duty of the State Board of Health, whenever it has satisfactory evidence of the violation of any of the provisions of this act, to report the facts to the county solicitor of the county where the offense occurred, and the said county solicitor shall prosecute the case to final judgment.

SEC. 9. Any person, firm, company or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished for each offense by a fine of not less than twenty-five dollars nor more than two hundred dollars, or shall be imprisoned for a term not exceeding six months, or by both fine and imprisonment.

SEC. 10. All fines collected for the violation of the provisions of this act shall be paid to the state treasurer, who shall deposit such money to the credit of a fund to be used toward carrying out the provisions of this act, to be drawn against under the approval of the governor and council.

SEC. 11. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 12. This Act shall take effect and be in force on and after October 1, 1907.



# TENNESSEE.

Endorsed by the Tennessee Board of Health.

## A BILL.

To be entitled "An Act to prohibit the manufacture or sale of adulterated or misbranded food or drugs, affecting the health of the people in the State of Tennessee, and to provide for the enforcement of the same."

"WHEREAS, the Congress of the United States on June 30th, 1906, passed an Act to prevent the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein."

And WHEREAS, said law applies only to the manufacture of adulterated or misbranded foods or drugs in the Territories of the United States and the District of Columbia, and the interstate traffic in the same;

And WHEREAS, under said law manufacturers of all such adulterated and misbranded foods and drugs are at liberty to make and sell the same within any State, to the great detriment and danger of the people thereof;

Now THEREFORE, in order to supplement said Federal law, and to protect the people of this State from imposition and danger attending the use of all such adulterated and misbranded food and drugs:—

SECTION 1. *Be it Enacted by the General Assembly of the State of Tennessee,* That it shall be unlawful for any person to manufacture within this state, any article of food or drug which is adulterated or misbranded within the meaning of this Act, or to sell or give away the same, and any person who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor, and for the first offense shall, upon conviction thereof, be fined not to exceed five hundred dollars, or shall be sentenced to one year imprisonment in the penitentiary of the state, or both such fines and imprisonment in the discretion of the court; and for each subsequent offense, upon conviction thereof, shall be fined not less than one thousand dollars and sentenced to not less than two years in said penitentiary, or both said fine and imprisonment; and the grand juries of the several counties of this State shall have inquisitorial power over said offenses, and the judges of the several criminal courts and circuit courts having criminal jurisdiction shall especially charge this law to the grand juries of the several counties of the state.

SEC. 2. *Be it Further Enacted,* That the term "drug," as used in this Act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substance intended to be used for the cure, mitigation, or prevention of the disease of either man or other animals. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment, by man or other animals, whether simple, mixed or compound.

SEC. 3. *Be it Further Enacted,* That for the purpose of this Act an article shall be deemed to be adulterated:

In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

In the case of confectionery:

If it contain terra alba, barytes, talc, chrome yellow or other mineral substances or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spiritous liquor or compound or narcotic drug.

In case of food:

First. If any substance has been mixed and packed with

it so as to reduce or lower or injuriously effect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damages or inferiority is concealed.

Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health; Provided, That when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering of the package, the provisions of this Act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

SEC. 4. *Be it Further Enacted,* That the terms "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statements, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular;

That for the purpose of this Act an article shall be deemed to be misbranded:

In case of drugs:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloralhydrate, acetanilide, cantharides, ergot, cotton root, or other recognized abortifacients, or other derivative or preparation of any such substance contained therein. Provided, That no part of this section shall be construed as applying to the prescriptions of regularly licensed physicians



when said prescriptions are filled or dispensed for the person for whom originally written.

In the case of food:

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular; Provided, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation" or "blend," as the case may be, is plainly stated on the package in which it is offered for sale; Provided, That the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring and flavoring only; and Provided further, That nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this Act may require to secure freedom from adulteration or misbranding.

SEC. 5. *Be it Further Enacted*, That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other parties residing in this State from whom he purchases such articles, to the effect that the same are not adulterated or misbranded within the meaning of this Act, designing it. Said guaranty to afford protection shall contain the name and address of the party or parties making the sales of such articles to such dealers, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act.

SEC. 6. *Be it Further Enacted*, That the word "person" as used in this Act shall be construed to import both the plural and the singular as the case demands, and shall include firms, corporations, companies, societies and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, or failure of such corporations, company, or society or association as well as that of the person.

SEC. 7. *Be it Further Enacted*, That in order to more fully enforce the provisions of this Act, there shall be appointed by the governor of the state one person who shall be chemist, of established reputation and ability, and who shall be known as "Pure Food and Drug Inspector," and who shall hold office for a term of two years, from the 15th day of January of the year of his appointment. The salary of said Inspector shall be twenty-five hundred dollars per annum, payable monthly out of the Treasury of the State as are paid the salaries of other State officials.

SEC. 8. *Be it Further Enacted*, That said Inspector shall establish and maintain an office and laboratory in the Capitol, or elsewhere in Nashville, and equip same for the proper inspection and analysis of all foods and drugs mentioned in this Act, said office and laboratory to be established, equipped and conducted under the supervision of the State Board of Health; and it shall be the duty of said Inspector to keep himself informed as to the various food and drug products manufactured and sold in this State, and from time to time inspect and analyze the same, and in case of any violation of this law, to act as prosecutor in the court having criminal jurisdiction of said offense.

The sum of one thousand dollars, or as much thereof as necessary, is hereby appropriated for the equipment of the office and laboratory provided for in this section.

SEC. 9. *Be it Further Enacted*, That said Pure Food and Drug Inspector shall be required to obtain through purchase or otherwise samples of all foods and drugs manufactured in this State, and inspect and analyze the same, and he shall keep a record in his office of all such inspection and analysis, together with all expenses, to the Comptroller of the State, and the same shall be paid as other expenses of the State are paid out of the Treasury. But said expenses shall not exceed one hundred dollars for any one month during the year.

Said Inspector shall make an annual report to the governor, showing the expense of the office, the number and character of inspections and the result accomplished through said office.

SEC. 10. *Be it Further Enacted*, That all fines collected under the provisions of this Act shall be turned into the Treasury of the State.

SEC. 11. *Be it Further Enacted*, That all laws and parts of laws in conflict with this Act be, and the same are hereby repealed, and that this Act take effect from and after January 1, 1908, the public welfare requiring it.

## CALIFORNIA.

Endorsed by the California Dairy Bureau.

Senate Bill

SENATE

No. 349

Introduced by Senator Rolley, (by request), January 18, 1907.

Referred to Committee on Public Health and Quarantine.

### A BILL

An Act to prevent the manufacture and sale of adulterated and deleterious and misbranded articles of food and drugs, to provide for enforcing its provisions and to appropriate money therefor.

*The people of the State of California, represented in senate and assembly, do enact as follows:*

SECTION 1. No person or persons, firms, or corporations by themselves or their agents, or servants, shall prepare or manufacture for sale, sell, offer for sale, expose for sale, or have on hand for sale, or use, or serve to patrons, guests, boarders

or inmates of any hotel, or eating house, restaurant, public conveyance, boarding house, or public or private hospital, asylum, eleemosynary or penal institution, any article of food or drug that is adulterated or misbranded within the meaning



of this act. The term "food" as used in this act shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound.

SEC. 2. For the purpose of this act, an article of food shall be deemed adulterated:

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, that when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for removal of said preservative shall be printed on the covering or the package, the provision of this act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

SEC. 3. The term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention, of disease of either man or other animals. For the purpose of this act, a drug shall be deemed adulterated:

First. If when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: *Provided*, that no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

SEC. 4. The term "misbranded," as used herein, shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular, and to any food product which is falsely branded as the locality or place where it is manufactured or produced. For the purpose of this act an article of food shall be deemed misbranded:

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular. *Provided*, that an article of food which does not contain any added poison or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In case of mixtures or compounds which may be now or from time to time hereafter known as articles of food under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article

if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded or tagged, so as to plainly indicate that they are compounds, imitations, or blends and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale. *Provided*, that the term "blend" as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only. *And further provided*, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient, to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

SEC. 5. All labels, brands or statements appearing in connection with any article of food and in accordance with this act shall be distinctly printed in the English language in legible type no smaller than brevier heavy gothic capital letters and shall be placed upon the outside of each package.

SEC. 6. Whoever shall violate any of the provisions or sections of this act shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished for the first offense, by a fine of not less than fifty dollars, nor more than one hundred and fifty dollars; or by imprisonment in the county jail for not exceeding thirty days; and for each subsequent offense, by a fine or not less than one hundred and fifty dollars, nor more than three hundred dollars, or by imprisonment in the county jail not less than thirty days, nor more than six months, or by both such fine and imprisonment, at the discretion of the court. All fines imposed for the violation of this act shall be paid to the state dairy and food bureau, as herein provided, and said state dairy and food bureau shall pay the same into the state treasury and the money so paid into the state treasury is hereby appropriated for the use of the state dairy and food bureau in enforcing this act during the fiscal year in which the same is paid into the state treasury.

SEC. 7. It shall be the duty of the state dairy bureau, now existing under the laws of this state, to enforce the provisions of this act and the same shall be styled as the state dairy and food bureau of California under this act. The agent and secretary of the state dairy bureau, as now provided by law, shall be the executive officer of the state dairy and food bureau under this act and he may be compensated in addition to the salary now provided for by law at not to exceed one hundred dollars (\$100) per month, the same to be fixed by the state dairy and food bureau and to be drawn from the appropriation as provided for herein. The state dairy and food bureau shall have authority to appoint and designate the duties of a chemist at a salary of not to exceed two thousand dollars (\$2,000) a year and such assistant chemists as may be deemed necessary to enforce the provisions of this act at a salary of not to exceed twelve hundred dollars (\$1,200) a year and as many inspectors as may be deemed necessary to enforce the provisions of this act at a salary of not to exceed five dollars (\$5.00) a day or one hundred and fifty dollars (\$150) a month, exclusive of their necessary traveling expenses, which shall be paid. The members of the state dairy and food bureau are authorized to hold regular meetings once in each month and for attending such meeting they shall be compensated at the rate of ten dollars (\$10) for attending each such meeting and performing their duties, together with their actual traveling expenses. *Provided*, that special meetings in addition to the monthly meetings may be held if necessary from time to time without compensation.

SEC. 8. The state dairy and food bureau, through its duly appointed executive officer, chemists and inspectors, shall have power and authority under this act in enforcing its provisions to enter any place where foods and drugs are manufactured, or prepared and any store, depot, restaurant, eating house, hotel, boarding house, public conveyance, hospital or penal institution where food and drug products are sold or served to patrons, for the purpose of analyzing any article of food or drug, or ingredients which may enter into the composition of foods and drugs. Any article of food or drug or ingredient which enters into the composition of foods or drugs therein used or sold and so taken, if found to be adulterated under the meaning of this act, shall be prima facie evidence that the same was kept to be sold, used or served to patrons, guests, boarders of such a place and the person, firm or corporation



owning and operating such a store or eating place, and having in his possession adulterated foods, shall be deemed to have such adulterated foods or drugs in violation of this act. Whoever shall prevent a duly authorized representative of the state dairy and food bureau from entering any place where food and drug products are manufactured, prepared or sold or served to patrons of any eating house or hotel for the purpose of enforcing the provisions of this act, or whoever shall in any other way interfere with a duly authorized representative of the state dairy and food bureau in performing his duties under this act shall be deemed guilty of violating this act.

SEC. 9. It shall be the duty of the district attorney of each county in the state to prosecute any person in his district against whom complaint shall be made by a duly authorized

representative of the state dairy and food bureau for violating any of the provisions of this act. *Provided*, that in the event that such district attorney should fail to prosecute any person against whom complaint is made, the state dairy and food bureau may employ special counsel and compensate him out of the appropriation provided for herein.

SEC. 10. For the purpose of enforcing the provisions of this act there is hereby appropriated, out of any money in the state treasury not otherwise appropriated, for the use of the state dairy and food bureau the sum of nine thousand dollars (\$9,000) for the fifty-ninth fiscal year and seven thousand five hundred dollars (\$7,500) for the sixtieth fiscal year.

SEC. 11. All acts or parts of acts inconsistent with this act are hereby repealed.

SEC. 12. This act shall take effect July the first, 1907.

# PASSED STATE PURE FOOD LAWS.

---

## KANSAS.

---

Endorsed by the Kansas Board of Health.

---

SENATE BILL No. 20

By Senator Huffman.

### AN ACT

To prevent the manufacture, sale or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines and liquors, and to regulate traffic therein, and providing for the appointment of inspectors for carrying out its provisions, and to provide penalties for violation thereof, and to repeal all acts or parts of acts in conflict herewith.

*Be it enacted by the legislature of the State of Kansas:*

SECTION 1. That it shall be unlawful for any person to manufacture within the state of Kansas any article of food or drugs, medicines or liquors which is adulterated or misbranded, or which contains any poisonous or deleterious substance, within the meaning of this act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed three hundred dollars or be imprisoned one year in the county jail, in the discretion of the court, and for each subsequent offense on conviction thereof shall be fined not less than five hundred dollars or be imprisoned for one year in the county jail, or shall receive both such fine and imprisonment, in the discretion of the court.

SEC. 2. That it shall be unlawful for any person to sell, keep for sale, or offer for sale within the state of Kansas, any article of food, drug or liquor which is adulterated or misbranded within the meaning of this act, and any person who shall sell, keep for sale or offer for sale any article of food or drug or liquor which is adulterated or misbranded, within the meaning of this act, shall be guilty of a misdemeanor, and for each offense shall upon conviction thereof be fined in a sum not to exceed fifty dollars, or be imprisoned in the county jail not exceeding one year, or be both fined and imprisoned, in the discretion of the court.

SEC. 3. That the State Board of Health is authorized and directed to make and publish uniform rules and regulations not in conflict herewith, which rules and regulations shall be those adopted and promulgated by the United States Department of Agriculture in so far as they are applicable to and not in conflict with the provisions of this act, which rules and regulations shall include the collection and examination of specimens of foods, medicines, drugs, liquors and drinks manufactured, kept for sale or offered for sale or sold in the state of Kansas. Any person who shall violate any of the rules and regulations so made and published in the official state paper shall be deemed guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding fifty dollars, or imprisonment in the county jail not more than six months, or both, in the discretion of the court.

SEC. 4. That the examination of specimens of drugs shall

be made at the University of Kansas, and such examinations shall be under the immediate supervision and direction of the dean of the school of pharmacy. That the examination of foods shall be made at the University of Kansas and the Kansas State Agricultural College, and such examinations shall be under the immediate supervision and direction of the directors of the departments of chemistry. That the University of Kansas and the Kansas State Agricultural College shall employ such additional chemists and assistants as are necessary to properly and expeditiously analyze such drug and food products as are sent to them by the state food inspectors for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from any examination that any of such specimens is adulterated or misbranded within the meaning of this act, the secretary of the State Board of Health shall at once certify the facts to the county attorney of the county in which such sample was taken, with a copy of the results of the analysis of the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such analyst or officer.

SEC. 5. That it shall be the duty of each county attorney to whom the secretary of the State Board of Health shall report any violations of this act, or to whom any health officer of any county or city, or any other person, shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the state, without delay, for the enforcement of the provisions of this act. After judgment of the court, notice of such adulteration or misbranding shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

SEC. 6. That the term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, in force at the time the drug is prepared, sold, or offered for sale, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals, whether simple, mixed, or compound. The term "food," as used here-



in, shall include all articles used for food, or in the preparation of food, drink, confectionery or condiment by man, whether simple, mixed, or compound.

SEC. 7. That for the purpose of this act an article shall be deemed to be adulterated:

In case of drugs:

First. If, when a drug is sold or dispensed under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs in composition, or standard of strength, quality or purity, recognized by the United States Pharmacopœia, official at the time of sale or when dispensed, or if it differs in composition or standard from that recognized by the National Formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

In the case of confectionery:

If it contains terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous color or flavor, or other ingredients deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

In the case of food:

First. If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisons or other added deleterious ingredient which may render such article injurious to health; provided, that when in the preparation of food products for shipment they are preserved by external application applied in such manner that the preservative is necessarily removed mechanically or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering of the package, the provisions of this act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consist in whole or in part of a filthy, decomposed, tainted, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

SEC. 8. That the term "misbranded," as used herein, shall apply to all drugs, liquors or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food, liquor or drug product which is falsely branded as to the state in which it is manufactured or produced.

That for the purpose of this act an article shall also be deemed to be misbranded:

In case of drugs:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, caffeine or other poisonous alkaloidal substances or active poisonous principles, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, phenacetin, acetanilid, or arsenic, or any derivative or preparation of any such substance contained therein; provided, that drugs and medicines dispensed by or on the order of a physician's prescription intended for immediate or temporary use need not bear any statement on the package as to its contents.

In case of food:

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, phenacetin, strychnia, acetanilid, or arsenic, or any derivative or preparation of any such substance contained therein.

Third. If in package form, and the contents are stated in

terms of weight or measure, the net weight or measure is not plainly or correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular; provided, that an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be from now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale; provided, that the term blend, as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only; and provided further, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formula, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

SEC. 9. That no dealer shall be deemed guilty under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such cases said party or parties shall be amenable to the prosecutions, fines and other penalties which would attach in due course to the dealer under the provisions of this act; provided, that this exemption shall not apply when such dealer knew or ought to have known that said drugs, liquors, or foods so sold, offered or kept for sale were adulterated or misbranded within the meaning of this act.

SEC. 10. That the word "person" as used in this act shall be construed to include both the plural and singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this act, the act, omission, or failure of any officer, agent, or other person, acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

SEC. 11. The State Board of Health shall appoint four food inspectors, one of whom shall be a practical dairyman, who shall each receive a salary of not to exceed one hundred and fifty dollars per month, and shall serve during the pleasure of the board; they shall be allowed the actual necessary expenses incurred in the performance of their duties, which shall be such as are prescribed by the rules of the State Board of Health as hereinbefore provided. The secretary of the State Board of Health, as executive officer of the board, shall direct the action of the food inspectors as such, and by reason of his office shall be chief food inspector; he shall receive a salary of twenty-five hundred dollars per annum, and such actual necessary expenses as are incurred in the performance of his duties as secretary of the State Board of Health and chief food inspector.

SEC. 12. That the secretary of the State Board of Health is authorized to confer and co-operate with the United States Department of Agriculture, in the enforcement of the national pure food law, as it may apply to food, liquor and drug products received in this state from other states, territories, or foreign countries.

SEC. 13. That for obtaining information regarding suspected violations of law, the chief food inspector or his duly appointed assistants shall have access to all places where any article of food or other article, the manufacture or sale of which is restricted, regulated or prohibited by this chapter, is stored or prepared for sale, or may be manufactured, kept for sale, or sold, and to places where food is or may be cooked, prepared, sold or kept for sale to or for the public or distributed as a part of the compensation of servants and agents,



including public and private hospitals, railroad camps, inns, boarding and eating houses, drinking places, dining cars, boats and other places where any of said articles may be sold, and they may inspect any packages or receptacle found therein apparently containing any article of food or ingredient thereof, or any other article, the manufacture or sale of which is restricted, regulated or forbidden by this chapter, and may take samples therefrom for analysis, tendering payment therefor. Any person obstructing such entry or inspection, or failing upon request to assist therein, shall be guilty of a misdemeanor.

SEC. 14. That the standards of quality, purity and strength for food, liquors, drugs and drinks that have been or shall be adopted by the United States Department of Agriculture, are

hereby declared to be the standards of purity, quality and strength for foods, liquors, drugs and drinks in the state of Kansas, unless other standards are prescribed by the State Board of Health.

SEC. 15. That any person who shall violate any of the provisions of this act for which no other penalty is prescribed herein shall on conviction be fined in a sum not less than ten dollars, nor more than one hundred dollars, or be imprisoned in the county jail not more than three months, or by both such fine and imprisonment, in the discretion of the court.

SEC. 16. That all acts and parts of acts in conflict herewith are hereby repealed.

SEC. 17. That this act shall take effect and be in force from and after its publication in the official state paper.

## PROPOSED UNIFORM STATE FOOD LAW

Endorsed by the National Wholesale Grocers' Association.

This Bill was introduced in the Missouri Legislature by Representative Busche of St. Louis, with the exception that the standards of the Department of Agriculture, past, present and future, shall be the standards for the State of Missouri.

An Act for preventing the manufacture, sale or transportation of adulterated, misbranded, poisonous or deleterious foods, drugs, medicines and liquors within this State; (and if it is necessary in any particular State to create an office for the enforcement of the law, and to provide for appointment or election to such office, this clause should continue "to create the office of ....., and provide for his appointment by .....").

*Be it Enacted by the ..... of the State of .....*

SECTION 1. That it shall be unlawful for any person to manufacture, sell, transport or offer for sale or transportation, any article of food or drug which is adulterated or misbranded within the meaning of this Act.

SEC. 2. That the term "drug," as used in this Act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed or compound.

SEC. 3. That for the purposes of this Act an article shall be deemed to be adulterated:

In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary, official at the time of the investigation; *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

In the case of confectionery:

If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

In the case of food:

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted, wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, or

stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health; *Provided*, That when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this Act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

SEC. 4. That the term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to food or drug product which is falsely branded as to the State, Territory or country in which it is manufactured or produced.

That for the purpose of this Act an article shall also be deemed to be misbranded:

In case of drugs:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

In the case of food:

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.



Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular; *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale; *Provided*, That the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only; *And provided further*, That nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this Act may require to secure freedom from adulteration or misbranding.

(Adapt Section 5 to conditions in particular State, providing for election, appointment or selection of officer in such manner as may be deemed advisable.)

SEC. 5. There is hereby created the office of ..... Immediately after this Act goes into effect, and every ..... years thereafter, the Governor shall, with the advice and consent of the Senate, appoint a suitable person to be known as ....., who shall hold office for ..... years from the ..... day of ....., 19.., or until his successor is appointed and qualifies, subject to removal by the Governor for inefficiency, neglect or violation of duty. Said ..... shall receive a salary of ..... dollars per annum. Said ..... shall have an official seal.

SEC. 6. .... shall appoint not less than ..... nor more than ..... deputies, whose salary shall not exceed ..... dollars per annum each.

SEC. 7. .... (Insert name of chief State food and drug officer.) shall make uniform rules and regulations for carrying out the provisions of this Act, including the collection and examination of specimens of foods and drugs manufactured, sold, transported, or offered for sale or transportation within this State, or which may be submitted for examination by any health, food or drug officer of any town, city or county in this State. Such rules and regulations shall, where possible, conform to and be the same as the rules and regulations adopted from time to time for the enforcement of Act of Congress approved June 30, 1906, and known as "The Food and Drugs Act".

SEC. 8. Under the aforesaid rules and regulations representative samples shall be collected by the ..... (Insert name of chief State food and drug officer.) or his deputies. Samples may be purchased in the open market, and if in bulk the marks, brands or tags upon the package, carton, wrapper or other container, and the accompanying printed or written matter, shall be noted. The collector shall also note the names of the vendor and agent through whom the sale was actually made, together with the date of the purchase. Samples shall be divided into three equal parts; each part shall be labeled with identifying marks. One of the parts shall be delivered to the person from whom the purchase was made, or if a guaranty has been given, as hereinafter provided, such part shall be delivered to the guarantor. One of the parts shall be sent to ..... (Insert name of State bureau or official chemist having charge of analyses.) and one part shall be held under seal by ..... (Insert name of chief State food and drug officer). The parts of the samples so divided shall be sealed by the collector with a seal provided for that purpose.

SEC. 9. It shall be the duty of the ..... (Insert name of State bureau or official chemist having charge of analyses) to make analyses and examinations of such articles as shall be furnished to him by the ..... or his deputies for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this Act, and to certify the result of such analyses and examinations to the ..... (Insert name of chief State food and drug officer).

SEC. 10. When the examination or analysis shows that

the provisions of this Act have been violated the ..... (Insert name of chief State food and drug officer) shall cause notice of such fact, together with a copy of the findings, to be given to the party or parties from whom the sample was obtained, and to the party, if any, whose name appears upon the label as manufacturer, packer, wholesaler, retailer or other dealer. The parties so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed as aforesaid. Notices shall specify the date, hour and place of the hearing. The hearing shall be private and the parties interested therein may appear in person or by attorney. If the party whose name appears upon the label resides without the State he shall be entitled to reasonable notice by mail at such address as may, with due diligence, be obtained.

SEC. 11. If after such hearing the ..... (Insert name of chief State food and drug officer) is convinced that the provisions of this Act have been violated, he shall at once certify to the ..... (Insert proper official title of local prosecuting attorneys in particular State) a copy of the results of the examination or analysis of such article, duly authenticated by the analyst or officer making such examination, under oath of such officer.

SEC. 12. It shall be the duty of every prosecuting officer to whom the ..... (Insert name of chief State food and drug officer) shall report any violation of this Act, as hereinabove provided, to cause appropriate proceedings to be commenced and prosecuted in the proper courts without delay for the enforcement of the penalties as in such case herein provided.

SEC. 13. After judgment of the court notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid. If an appeal be taken from the judgment of the court notice of that fact shall accompany the publication.

SEC. 14. Any person violating any of the provisions of this Act shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not less than ..... dollars nor more than ..... dollars; and for each subsequent offense and conviction thereof shall be fined not less than ..... dollars nor more than ..... dollars, or shall be sentenced to imprisonment for not less than ..... nor more than ....., or both in the discretion of the court.

SEC. 15. That under the provisions of this Act no dealer shall be prosecuted for selling or offering for sale any article of food or drug in the original unbroken package in which it was received by said dealer, provided he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other person residing in the United States, from whom he purchased such article, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty to afford protection shall contain the name and address of the person making the sale of such article to such dealer, and in such case said person shall be amenable to the prosecutions, fines and other penalties which would attach in due course to the dealer under the provisions of this Act.

When the examination or analysis herein provided shows that the provisions of this Act have been violated and the dealer is relieved from prosecution under this section by the production of a guaranty signed by a person residing outside of this State, then the ..... (Insert name of chief State food and drug officer) shall report such fact to the Secretary of Agriculture of the United States, or the proper officer appointed for the enforcement of Act of Congress approved June 30, 1906, known as "The Food and Drugs Act".

SEC. 16. The word "person," as used in this Act, shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person.

SEC. 17. For the purpose of carrying into effect the provisions of this Act there is hereby appropriated out of the State Treasury, chargeable to the general revenue fund, the sum of ..... dollars.

SEC. 18. All Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

SEC. 19. This Act shall be in force and effect from and after the ..... day of ....., 190..



# PROPOSED UNIFORM STATE FOOD AND DRUGS ACT

Endorsed by the American Pharmaceutical Association. National Association of Retail Druggists. National Wholesale Druggists Association. The Proprietary Association of America.

## A BILL

For an Act to prevent the manufacture or sale of adulterated or misbranded foods and drugs.

### *Be it enacted:*

SECTION 1. That it shall be unlawful for any person to manufacture or sell or offer for sale any article of food or drug which is adulterated or misbranded, within the meaning of this Act; and any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed ..... dollars or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be fined not less than ..... dollars or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court. *Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this Act.

SEC. 2. That the term "drug," as used in this Act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound.

SEC. 3. That for the purposes of this Act an article shall be deemed to be adulterated:

In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Second. If its strength or purity falls below the professed standard or quality under which it is sold.

In the case of confectionery:

If it contains terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

In the case of food:

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this Act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

SEC. 4. That the term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the state, territory or country, in which it is manufactured or produced.

That for the purpose of this Act an article shall also be deemed to be misbranded:

In case of drugs:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

(*Provided*, That nothing in this paragraph shall be construed to apply to the dispensing of prescriptions written by regularly licensed practicing physicians, veterinary surgeons and dentists, and kept on file by the dispensing pharmacist, nor to such drugs as are recognized in the United States Pharmacopœia and the National Formulary, and which are sold under the name by which they are recognized.)

In the case of food:

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or



proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any of such substances contained therein.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation" or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, That the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only; *And Provided Further*, That nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no un-

wholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this Act may require to secure freedom from adulteration or misbranding.

SEC. 5. That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in this state, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act.

SEC. 6. It shall be the duty of the State Dairy and Food Commissioner to enforce all the provisions of this Act which relate to foods, and it shall be the duty of the State Board of Pharmacy to enforce all the provisions of this Act which relate to drugs.

SEC. 7. That the term "Territory," as used in this Act, shall include the insular possessions of the United States. The word "person," as used in this Act, shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission or failure of such corporation, society, or association as well as that of the person.

SEC. 8. This Act shall take effect one year from the date of its passage.

## STATE PURE FOOD LEGISLATION.

In this issue we publish several pure food bills that have been recently introduced in the legislative bodies of different states. The frame work of all the bills is similar to the Federal Food and Drug Act and they follow closely the definitions and requirements laid down in the Federal law, the exception being in regard to administrative and judicial proceedings, where it is necessary to conform to the laws of the respective states.

The two most important bills are those now pending before the Illinois and Pennsylvania legislatures. The Pennsylvania bill contains a provision that creates an advisory board of six members, consisting of one member who represents manufacturers of food products outside of the state of Pennsylvania, together with one chemist, one manufacturing confectioner, one manufacturer of food products, one wholesale grocer and one retail grocer, who shall, in conjunction with the Dairy and Food Commissioner, make uniform rules and regulations for carrying out and enforcing the law.

### RESIDENT AGENT.

In conjunction with the foregoing clause, in Section 8, it provides that "Any person, firm or corporation engaged in the manufacture or sale of food products within the state, which have their principal office situated outside the state, shall file in the office of the Secretary of State a statement properly signed appointing a resident agent within the Commonwealth, upon whom legal process may be served in all actions brought by the Dairy and Food Commissioner under this act." This provision is no doubt intended for the purpose of keeping in the state courts the litigation that may arise from goods shipped into Pennsylvania from other states, and not depend upon federal procedure.

### STANDARDS.

In examining the different bills, there appears to be a wide divergence of policy in deciding whether the local state officials or the United States Agricultural Department under Dr. Wiley shall make the authorized standards of purity and strength of drug and food stuffs. Most of the states place the power solely with the state officials, without any reference to the Federal Food and Drug Act in regard to standards. This is true of Illinois, Pennsylvania and North Dakota and other states. In the bill that passed the Senate in the state of Kansas January 25, 1907, Section 14 provides that the standards of quality, purity and strength in foods, liquors, drugs and drink, that have been or shall be adopted by the United States Department of Agriculture, are declared to be standards of purity, quality and strength of foods and drugs for the state of Kansas, "unless other standards are prescribed by the State Board of Health." Herein the state officials reserve the right to prescribe what shall or shall not be the standards.

In the bill introduced in the Missouri legislature, Section 6 provides the standard of purity of foods which shall be adopted under this act, "shall be those established by circular of standards of purity for food products, official at the time of investigation, issued by the United States Department of Agriculture, and proclaimed from time to time by the Secretary of the said Department." The framers of this bill have taken for their model the Federal Food and Drug Act and have drawn it, no doubt, so as to protect the interests of those for whom the national law was passed. There appears to be a tendency toward centralization of the administrative and executive powers in the enforcement of laws and getting away from the fundamental principle of state sovereignty. Is it not pos-



sible that should this tendency continue that it may grow into a bureaucratic government and become top-heavy? The power to create standards of purity and strength of foods should be confined to the state government. From a scientific point of view and on account of differences in climate and local conditions, an attempt to fix a uniform basis of standards, that shall apply to all states alike, can not help but prove unjust and injurious to local food producers and consumers. It's usurping certain rights that belong to the state and is contrary to the spirit of the Federal Constitution.



HON. CICERO J. LINDLY.

The bill introduced by Judge Linley on January 31st, in the Illinois legislature, is more complete in many respects than the others that have come to our notice. In the definition of what shall be considered adulteration of food it follows in outline the Federal law, making additions here and there. For example, in Section 9, in defining adulteration, in the first clause, the Illinois bill adds to the words "strength" and "quality" the word "purity." Under the fourth clause the Federal law reads, "If it be mixed, colored, powdered, coated or stained, in a manner whereby damage or inferiority is concealed," to this is added in the Illinois bill the word "polished" after the word "powdered," and the words, "or it is made to appear better or of greater value than it really is." Under the fifth clause, the Illinois bill adds the words, "and formaldehyde, hydrofluoric acid, boracic acid, salicylic acid and all compounds and derivatives thereof are hereby declared unwholesome and injurious."

The Illinois bill is the only one that attempts to fix any standards for foods. Under Section 8, the standards of purity and strength of a number of articles are set forth with the analytical requirement set out opposite each. It includes milks, cheese, butter, cream, sugars, ice cream, peppers, extracts, vinegars and other articles.

#### MILK LICENSE.

The Illinois bill also provides that milk dealers in cities and villages of over one thousand inhabitants be-

fore selling shall be licensed by the state Food Commissioner to sell milk within the limits of said city or village. It provides record of the name, residence, place of business of both licensee and drivers, also the number of carriages or vehicles used. License is to be one dollar (\$1.00) for each vehicle. Persons, however, who keep but one cow are exempt.

#### PENALTY.

All the states bills declare the violation of any of the provisions in its acts shall be deemed a misdemeanor. The penalties differ to some extent. The Pennsylvania law provides that one convicted for violation of the act shall pay a fine of not less than \$100 or more than \$250, and upon a conviction of second offense that they be fined not less than \$250 or more than \$500, or undergo an imprisonment of not exceeding sixty days, or both at the discretion of the court. In Illinois the first offense is a fine of not less than \$15 and not more than \$150, or imprisonment in the county jail not exceeding thirty days, or both at the discretion of the court. For each subsequent offense a fine of not less than \$25 or more than \$250, or imprisonment in the county jail not exceeding one year, or both, at the discretion of the court.

The bills of the different states in regard to misbranded articles and the requirements of labeling uniformly follow the Federal law, and provide that all products that are mixed with other substances shall be labeled or branded so as to bring notice to the purchaser.

#### GUARANTY.

Kansas, Tennessee, Texas and other bills contain a guaranty provision similar to the one in the Federal law. It provides that the dealer shall not be prosecuted if he can establish a guaranty signed by the party from whom he purchased such article to the effect that same is not adulterated or misbranded within the meaning of the law. Said guaranty must contain the name and address of parties making the sale to the dealer. In such case the party making the sale is amendable to the prosecution, fines, and other penalties which would have attached in due course to the dealer. Neither the Illinois or Pennsylvania bills contain the guaranty clause.

#### PUBLICATION OF ANALYSIS.

The Illinois, Texas and other states prohibit the State Analyst or his assistant to furnish to any individual any certificate as to the purity or excellence of any article manufactured or sold by them to be used as food or in the preparation of food.

The state of Pennsylvania prohibits the publication of food or drugs until after a judgment of a court has been had as to whether said article be adulterated or misbranded.

The North Dakota bill provides that any citizen may send any article of food or original package to the North Dakota Government Agricultural Experiment Station to be analyzed and the result of such analysis shall be published in bulletin to be issued by the state officials from time to time and in the annual report to the Governor.

It is uniformly provided in the different bills that the State Board of Health may submit samples of food or drink to the Commissioner or his assistants for examination or analysis, who shall issue special



reports showing the results of such examination or analysis.

#### RULES AND REGULATIONS.

In each state it is provided that the Food Commissioner shall make uniform rules and regulations for analyzing and reporting the results of the analysis on articles submitted, also including the carrying out and enforcement of the different provisions contained in the law. Section 46 of the Illinois bill provides that the Food Commissioner and his assistants shall be given full power and authority as "policeman," and it shall be their duty to seize and take possession of any food, dairy product, substitute or imitation thereof kept for sale or under control contrary to the provisions of the law. Also provides that any court having jurisdiction upon receiving proof or probable cause for believing in the concealment of adulterated or misbranded food articles, shall issue a search warrant and may cause any building, enclosure, wagon or car to be entered and any apartment, chest, box, locker, tub, jar or package to be broken open and contents thereof examined. Section 11 provides that any adulterated article within the meaning of the law may be seized for confiscation by process of law for condemnation. If such article is condemned as being adulterated or misbranded the same may be disposed of by sale or destruction as the court may direct.

Section 50 of the Illinois bill provides that the Food Commissioner and all persons appointed by him shall co-operate with the National officials and furnish them with any information within their knowledge of any violation of the laws of the United States under the Food and Drug Act. There is a similar clause in Kansas, California and nearly all the states.

#### PRESERVATIVES.

Section 26 prohibits the sale of any mixture or compound intended as a preservative or adulterant of milk, cream, butter or cheese or any unwholesome or injurious preservative, mixture or compound intended as a preservative of any food.

#### GRAIN.

Sections 29 and 30 prohibit the coloring and fumigation of grain.

#### MILK, BUTTER AND CHEESE.

Sections 18 to 25, inclusive, pertain to milk. Prohibit the sale of unclean or unwholesome milk for consumption; that premises and utensils shall be clean; persons receiving milk shall immediately wash or thoroughly cleanse and air cans or vessels before the milk becomes sour; proscribes how milk cows shall be kept; prohibits the manufacture of food from impure or unclean milk or cream; provides that milk cans containing skim milk shall be labeled "skim milk"; proscribes the instruments to be used in determining the standards prescribed for milk and cream; prohibits the underreading of Babcock test or any other contrivance used for determining the quality or value of milk.

#### VEAL.

Prohibits the sale of veal less than four weeks old.

#### LARDS.

Sections 32 to 34 declare all and any substance not the legitimate and exclusive product of the fat of the hog illegal lard; provides that any substitute, mixture or compound shall be labeled with name and location of person making same and the words "Lard Substi-

tute," or "Adulterated Lard"; that person selling imitation or substitute for lard must inform customer.

#### BUTTER.

Sections 35 to 44 provide that butter and cheese shall be the exclusive product of milk and cream; persons who lawfully manufacture substitutes for butter shall brand same "Oleomargarine," "Butterine," or "Substitute for Butter," or "Imitation Butter," and shall inform the purchaser; prohibits sale of process butter not branded with the words "Renovated Butter," and persons selling must inform the purchaser.

#### MALT OR VINOUS LIQUORS.

The sale of any spiritous, fermented or malt liquor is prohibited that contains any drug substance or ingredient not healthful or normally existing in said liquor. Section 16 of the Illinois bill cites a number of ingredients that are deemed not healthful or normally existing in said liquors. Any person violating this section shall be deemed guilty of misdemeanor.

#### FRUITS, JELLIES AND JAMS.

The Illinois law prohibits the sale of any imitation of fruit, jelly, jam or fruit butter or other similar compound made in whole or in part of glucose, dextrine, starch or other substances, unless labeled "imitation" preceding the name of the article intended to imitate, provided the article contains no ingredients other than glucose can be labeled as glucose (or corn syrup) jelly, jam or fruit butter, as the case may be, to conform to the fruit used in the preparation.

The bill prepared by the National Drug Associations and published herein has been introduced in various states, including New Jersey and Tennessee. In Section 4 following the second paragraph under the sub-head, "In Case of Drugs," is contained a proviso that reads as follows:

"Provided, that nothing in this paragraph shall be construed to apply to the dispensing of prescriptions written by regularly licensed practicing physicians, veterinary surgeons and dentists, and kept on file by the dispensing pharmacist, nor to such drugs as are recognized in the United States Pharmacopœia and the National Formulary, and which are sold under the name by which they are so recognized."

What is intended by the word "paragraph" is rather uncertain unless it refers to the entire section. In bills introduced in New Jersey and Tennessee the word "paragraph" is changed to read "section." This practically nulls the prohibition or misbranding so far as relates to U. S. Pharmacopœia or National Formulary and physicians.

The bills introduced in the states of Washington, New Hampshire, Tennessee, Kansas, Pennsylvania and California follow the provisions contained in the Federal law pertaining to adulteration, misbranding and labels. The Illinois, North Dakota and Texas bills proscribe certain special rules and regulations in regard to milk, butter, cheese, grains, liquors, meats, lards, fruits, vinegar, spiritous and malt liquors.

#### Standards for Eggs.

"Martha," he complained, "we simply must economize on our household expenses."

"Very well," she replied, "I've been buying strictly fresh eggs in the past, seeing that you must always have one at breakfast. Hereafter I'll merely ask for fresh ones."



# THE AMERICAN FOOD JOURNAL



Published Monthly at 334 Dearborn Street, Chicago

By H. B. MEYERS & CO.

Telephone Harrison 2473

Subscription, \$1.00 Per Year Foreign Subscription, \$1.50

Address all communications and remittances and make drafts, checks and money orders payable to THE AMERICAN FOOD JOURNAL, 334 Dearborn Street, Chicago.

All reading and advertising matter to appear in THE AMERICAN FOOD JOURNAL must be received at this office on or before the 12th of the month.

COPYRIGHT, 1907, BY H. B. MEYERS.

## OUR SPECIAL EDITION.

Owing to the great number of proposed state food laws printed in this issue we have been compelled to add sixteen more pages and also omit our regular monthly list of food control officials. THE AMERICAN FOOD JOURNAL furnishes the consumer, the manufacturer, and the food control officials one dollar's worth of news in each edition and for which we only charge one dollar per year.

## THE NEW ILLINOIS FOOD BILL.

At every session of the state legislature since 1890 Commissioner Alfred H. Jones has offered a new food bill and every time it has been referred to a hostile committee and killed by neglect. The attention attracted to pure food by national legislation and the knowledge that the people have awakened to the fact that governmental supervision of foodstuffs is of vital importance, assure us that more consideration will be given to this class of legislation this session than has been given heretofore. The danger now lies in the opposite direction. The legislator is very apt to indorse any bill labeled pure food without carefully investigating its provisions to see whether it really will accomplish the aim sought or whether it merely puts additional imposition upon the manufacturer and adds to the cost of living without any compensation in the way of purity of food.

We have examined the bill introduced in the legislature of Illinois by Mr. Lindley and endorsed by the Illinois Food Commission and believe it to be as good if not better than any bill of its kind introduced in state legislatures, and that it is particularly applicable to Illinois conditions.

Seven years ago Illinois provided for food and dairy inspection by passing a food law modeled in the main after legislation adopted in other states. However, legislation of that variety is seldom perfect and Commissioner Jones and his assistants found several loopholes where the dishonest vendor of goods might evade the intent and purpose of the law. Consequently, with the aid of another member of the commission, also a lawyer—Judge J. C. Eagleton—he drew up a revised bill. From time to time new legal difficulties presented themselves and experiences thus gained were utilized in improving the bill presented to

the legislature for adoption. With the passage of the national law legalizing compounds and mixtures, came the great pressure to amend the state law so that it would be as liberal as the national law. Consequently the definitions of adulteration and misbranding were changed to make them more in harmony with the national law. However, the wording in the proposed bill is not exactly the same as in the national law, and where an extra word or clause can be inserted to make it better or more stringent, the change has been made. Thus an additional clause provides that the omission of the name and address of the manufacturer or dealer on the label of the goods constitutes misbranding and is punishable by fine and imprisonment. This was a satisfactory provision of the old law but omitted from the national law.

From a legal standpoint, we believe the new Illinois bill to be as good as good lawyers, experienced in the enforcement of food laws, can make it. There are, however, many objectionable features in the bill, some comical to the experienced food chemist, but which do not seriously affect the bill as a whole.

In defining food a proper attempt was made to define it in terms broad enough to include not only foods in the ordinary sense but substances used in the preparation of food, as "baking powder," "yeast," "salt," etc., and the clause, "and any substance used as a constituent in the manufacture thereof," might well be broadened to read "and any substance used in the manufacture and preparation thereof."

Under substances specifically prohibited in confectionery it might be well to include in addition to "terra alba," "barytes," "talc," etc., substances never actively employed, "paraffin," "sulphites" and "glue," which are not uncommonly used and which not alone defraud the purchaser but endanger his health.

Under liquors "chloride of sodium" is given as deleterious or detrimental to health. This substance certainly sounds bad, but if called by its more common name, "table salt," there would seem no great reason for prohibiting its use. All the other fifteen things prohibited in liquors, with the possible exception of "extract of logwood" and "methyl alcohol," might just as well be in the bill as out, for no manufacturer, straight or crooked, would want to use them.

One of the most curious provisions of the bill is the one providing that the last edition of the U. S. Pharmacopœia and U. S. Dispensatory be the standards for foodstuffs not specifically mentioned in the bill.

The United States Dispensatory is a private publication, giving a description of both official and unofficial drugs and, while a very good book, is no better and perhaps not so good as the National Dispensatory compiled by another man. It is incredible that the commission would ask the legislature to adopt definitions and standards for foods which some man in Philadelphia at some future time might publish in his United States Dispensatory. It is probable that the publication referred to is the National Formulary, a recognized standard for compounding drugs.

As no drugs or medicines are mentioned in the proposed bill it is almost as incongruous to mention the U. S. Pharmacopœia, past, present or future editions, as the U. S. Dispensatory, as a standard for enforcing the food law. The last (1895) edition of the Pharmacopœia expressly states in italics:

*"The standards of purity and strength prescribed in the text of this Pharmacopœia are intended to apply to substances which are used solely for medicinal pur-*



*poses and when professedly bought, sold or dispensed as such."*

This proclamation nullifies any provision recognizing the Pharmacopœia as a standard for food if indeed the legislature would, if it could, make laws prescribing penalties for selling goods sold or labeled contrary to unknown regulations to be issued by some organization, ten, twenty or thirty years from now. But as the bill provides for foods only, it will do no harm to honorably mention the U. S. Pharmacopœia, John Johnson's or any other Dispensatory. The standards fixed in the act are the important ones, because they can be enforced.

The standard for milk has been raised from 3 per cent, as under the old law, to 3.25 per cent, probably to conform to standards proclaimed by the Secretary of Agriculture and in the cause of uniformity. Volumes could be written pro and con on the subject of the relative value of high and low standards. A standard carried out to the second decimal place is unfortunate for the dairyman and even the chemist, as instruments are not graduated to that place.

Dairymen should carefully consider this standard and determine whether or not their cows are equal to it, and if they are it should be adopted.

The impropriety of the butter standard of 82.5 per cent of fat has been pointed out by several dairy commissioners. It will thus be seen by adding up the 82.5 per cent with the 16 per cent of water allowed by regulations of almost all governments and states, and which is the maximum amount recognized by this proposed law, together with the minimum amount of curd (1 per cent) and of salt (3 per cent) found in good butter, we obtain 102.5 per cent—almost too much.

We would have expected that Mr. Schuknecht, if not a dairyman, at least posing as a friend of the dairymen, would have nailed this objectionable standard.

The standards for ice cream will not apply to the ice creams of commerce. The standard for maple syrup will prohibit from our markets the purest maple sugar, while the standard for pepper will flood the market with pepper shell.

The old law of 1.75 per cent of solids in cider vinegar was low enough and was enforced without complaint, but if necessary to lower same to comply with federal rulings and allow larger admixtures of low wine vinegar to cider vinegar, the state might make the sacrifice.

The new dairy features of the bill adopted from the Minnesota law should be of value. One provision seems to legislate against the use of salt and color in butter and cheese, but probably other provisions in other parts of the act would nullify any abuse of this prohibition.

All of the defects mentioned are merely defects of details and do not affect the general value of the bill. They may be corrected if the legislature sees fit, or may be left in without destroying the valuable fabric of the bill.

The dairy expert and chemist appointed this year have recommended that their salary be raised to an amount equal to the salary received by the State Food Commissioner—about twice the amount received by the same officials of other states, and have incorporated same in the new bill. Good men of course, are scarce, and if these officials are as valuable

as they estimate themselves to be, it may be economy and wisdom on the part of the legislature to increase their salaries and emoluments and keep them satisfied. Their experience of eight months in the work ought certainly to make them more valuable than when they were appointed.

Good men are in charge of the bill in the state legislature and we believe they are capable of sifting the bad from the good and passing a food law which will be a credit to the commonwealth.

#### **"HOW PENALTIES ARE TO BE INFLICTED UNDER THE NATIONAL FOOD LAW."**

Dr. Wiley seems to have found penalties in the food law which have been overlooked by all others. Thus in his plea for an appropriation before the agricultural committee he said: "We will give every man a show for his white alley. If we find a man wrong we will call him up and give him a fatherly talk, and spank and let him go; and if he will not go right, we will have to put the law on him."

Without commenting on the flippant language, so unbecoming to a man in his position, we cannot believe that the food law makes Dr. Wiley witness, judge and executioner, but rather that whatever penalties are to be inflicted under that law will be executed by order of the courts of justice.

Under the food law the Bureau of Chemistry makes the analysis and reports on the sample. A hearing is granted by the Secretary of Agriculture to find out if the analysis and the report thereon are correct, and if it be found that the party has violated the law the Secretary of Agriculture SHALL report same to the proper authorities for prosecution, and if convicted, analyses of defendant's goods may be published. Dr. Wiley is assuming that the food law was passed for his particular benefit, which is in part true, but the people didn't know it. But fortunately it doesn't provide for a feudal lord and vassals. We live in another age. We try to keep legislative, judicial and executive branches of our government separate and distinct. We try to see to it that the man that makes the complaint and that tries the case be not the same man that renders the verdict and fixes the penalty. Any other system is despotism. We may be drifting in that direction, but we haven't reached the Russian stage and before we do, may revolt.

#### **ICE CREAM CONVENTION.**

The National Association of Ice Cream Manufacturers, which met in Chicago the 5th, 6th and 7th of February, was a success in point of attendance, in work accomplished and in the cultivation of a better feeling and understanding of manufacturers with one another, and with their trade. The newspapers of Chicago, in contrast with their treatment of a preceding convention, gave the association a fair deal, if not somewhat more. This was in part due to the policy of no favoritism on the part of the managers of the association. Every reporter was given a fair chance to get all the news going, and to print it if he wished. There were no "star chamber" proceedings, and no anxiety that one paper would not get or would get all the news.

We publish from the official proceedings of the convention the only papers and addresses of interest to food officials and the general public.

The address of Dr. John A. Wesener on "Food and



"Medicinal Value of Ice Cream," was scarcely a classic on that subject, but attempted to be a defense of a reduction of the ice cream standard from 14% of fat, the amount established by the Secretary of Agriculture, to 8%, a figure said to be desired by ice cream manufacturers.

The address illustrates how scientists may differ on matters of fact and common knowledge. For instance, the statement that standards reached in the production of good and wholesome milk have reached their limit, will be disputed by Webster, Hamilton and other dairy experts and educators. The statement that milking machines have not proven satisfactory is diametrically opposed to the experiments and recently published reports of Lane and Erf. The statement that cream intended to be turned into butter does not have to be very sweet and can be any sort of a product, will be news to Patrick McKay, Sondeland and other butter makers, who have gotten the farmers and butter makers to believe that only the best milk and cream is good enough for the manufacture of butter.

The argument that the ice cream manufacturer will be unable to get cream, and will have to pay the price demanded, and will be compelled to buy poor cream from butter factories, reminds us of the logic of the city employe who, when accused of appropriation of a portion of the fees of his office, claimed that he hadn't taken the money, moreover that he had returned it, and lastly that he was entitled to it anyway. The argument of low price in its best form will not appeal to government employes. If the same arguments were used before the Standards Committee that were advanced in this paper we are not greatly surprised that the chemists failed to recede from their published ruling.

On the other hand the argument of Dr. Wesener as a physician on the relative digestibility of cream as compared with condensed milk and the greater nutritive value of the cheaper and more common variety of ice cream as compared with the fat saturated product should have been given more consideration than it apparently received.

The ice cream manufacturers and their product have not received just consideration. They are in business to supply what the people want and are willing to pay for, and if they are enabled to get their case properly before the people will win in spite of obstinacy and ignorance.

#### **"HONEY AND GLUCOSE."**

Editor Root in "Gleanings in Bee Culture" insists that glucose received a knockout blow in the passing of the National Food and Drugs Act, this journal to the contrary notwithstanding. THE AMERICAN FOOD JOURNAL did not say, as intimated by the bee paper that the outlook for this industry was rosy and that it would continue to prosper. We merely said in commenting upon a previous article in "Gleanings" on "Glucose" that the evidence did not indicate that the passage of the National Food Law would be detrimental to that industry and cited the fact that new factories were being constructed and that the federal law was more tolerant of mixtures and blends than many state laws which are now in danger of being superceded by the National law.

Under state laws mixtures of glucose and honey were virtually driven out of Illinois, Michigan, North

Dakota, Minnesota and other states under laws requiring such mixtures to be labeled "Imitation," "Adulterated" or "Substitute." Such laws were passed not to protect the health of the consumer or to prevent him from being cheated in a commercial transaction but were admittedly of a prohibitive nature designed to give the beekeepers of the states a monopoly on their product, just as the 10c tax on colored oleomargarine was intended to drive a competitor of butter from the market.

According to Mr. Root, the state solons were more solicitous about their beekeeper constituents than they need to have been. "The mere matter of mixing or compounding," he says, "has never been objected to." \* \* \* "We beekeepers are not afraid of glucose and honey when no deception is used in foisting the combination on the public."

The explanation is made that the new glucose factories are being constructed to make "stock food" and "denatured alcohol." We can hardly swallow that. Constructing a glucose factory for the purpose of making "gluten meal" would be like buying a hog for its hair and wasting the ham and bacon. That the Standard Oil Company may be interested in "denatured alcohol" may be true, as it is a possible competitor of gasoline, but for this purpose they would buy or construct distilleries instead of glucose factories. It appears, however, as ubiquitous as the Standard Oil Company is said to be it is not interested in the Corn Products Company, although some men have investments in both companies.

Mr. Root needs a more plausible reason than those advanced to explain the construction of glucoseless glucose factories.

The other argument advanced that the National law will be beneficial because certain state food commissions have recently waged successful war against the glucose interests is simply sustaining our own position and we wish the facts given were more nearly correct. The suits referred to were not against the legitimate sale of glucose but against the sale of adulterated glucose and the effect of these prosecutions should be in the end like the effect of the suppression of the sale of adulterated honey, namely, to increase the demand for the pure product.:

#### **"NORTH DAKOTA APPROPRIATION FOR PURE FOOD."**

Food Commissioner E. F. Ladd in his report to the directors of the North Dakota Experiment Station covering the work of the year ending June 30, 1906, complains of the small amount appropriated by the state legislature for enforcing the food law of the state. The last legislature appropriated the magnificent sum of \$3,000 per year to enforce a food law, a drug and medicine law, a formaldehyde law, and a paris green law, while a pure paint law was passed for the commissioner to enforce gratis.

It is possible the appropriation was intended as a joke. It is more probable, however, the legislators, like many individuals, hoped to get something for nothing. In this case they have in a measure succeeded. The expense of enforcing the laws has been borne by the experiment station, supported by the government, from funds never intended to be used for that purpose instead of out of their own pockets as should have been the case. Some people are a little sensitive about receiving help from their neighbors,



particularly if able to help themselves. Our North Dakota brethren apparently do not belong to this class.

Commenting upon this misappropriation of funds Commissioner Ladd says: "It can hardly be expected that the experiment station can or will continue to support this work in the future as it has in the past and the amount of service rendered this department must depend upon an appropriation furnished by the state." Even more serious than the misappropriation of government moneys is the loss to the farmers of experimental work and results for which the experiment station was established. Clearly the food work in every state is sufficiently important to create a bureau especially and exclusively devoted to the enforcement of food laws and such bureau should be suitably, although not extravagantly, financed. The value of Prof. Ladd's report would be enhanced by a summary of the analyses of the different food products made during the year.

### **"POLITICS AND PURE FOOD."**

The Denver Post claims that the woman's clubs of Denver is being buncoed in the Food bill now before the Colorado legislature. On the evidence of the press accounts of the provisions of the bill we were very skeptical as to whether the bill was framed as much to benefit the people, as the politicians and physicians and so stated last month. It appears that the most earnest supporter of the bill in the legislature is Representative Wilber F. Cannon, a large food manufacturer, and that it is being pushed most strenuously by Dr. Taylor of the State Board of Health, who, it is claimed, is the whole pure food bill, cause, effect, beginning and end. He holds the power, makes the appointments and handles the cash. Dr. S. E. Lemen, uncle of Taylor, also a main spoke in the political machine, and a prospective candidate for mayor of Denver, is also lobbying for the bill and expect to be carried into office by the power and prestige to be obtained by the operation of the food law in his nephew's hands. They will thus be enabled to kill two birds with one stone, so to speak, increase their practice and fees by eliminating patent or proprietary medicines and boost themselves into political power.

### **ILLINOIS LAW PARTIALLY ENFORCED.**

A magazine called "What to Eat," edited by Paul Pierce, copies our Directory of Food Officials, but adds to same by passing judgment on whether the food laws of a given state are actively enforced. Until recently the Illinois Food Commission was given the credit of enforcing its food law. Now all has changed. Above the list of officials are the words, "Law partially enforced". Whether the Illinois Commission has "back-slidden" or whether Mr. Pierce desires to create a long felt want for the purpose of making a personal sacrifice to accept the job as Food Commissioner, Dairy Expert, Chemist, or something, we do not know. At any rate this notice is free.

### **WHAT TO EAT VS. DISEASE.**

Like the soldier desirous of engaging in future battles, "What to Eat" is ferociously attacking zymotic disease, not in the center of contagion in Chicago, but by a quick move to the south in the opposite direction. The strategic plan is doubtless to hurl its reporter on the disease should it overtake him.

### **CHEAP NITROGEN.**

Sir William Crookes recently announced the successful production of nitric acid from the atmosphere by a process cheap enough to be commercially applicable. The process was discovered by Prof. Maszicki and Kowalski of the University of Freiburg and critically studied by Sir William and while the experimental work is not entirely finished Prof. Crookes feels warranted in stating that it is an assured success. The process is not published in detail but is understood to be electrolytic. The fixation of atmospheric nitrogen is not new. Nitrogen compounds have been made in an experimental way for a long time and Sir William himself several years ago invented an electrolytic process by which he hoped to manufacture nitrates from the air. It did not, however, develop into a commercial success. Several enterprising manufacturing chemists are to-day tapping the air for nitrogen and if our information is correct, a company in Chicago is manufacturing nitric acid in a small way from free nitrogen. In Sweden calcium nitrate is successfully made and marketed from the air. Air contains by measure 79.19 per cent and by weight 76.997 of nitrogen. A little of this nitrogen is daily rendered available through formation of nitrates and ammonia by natural electric discharges or "lightning," which are washed to the earth by rain. Other portions of elementary nitrogen are rendered available by the minute bacteria of the soil. Each bacterium can accomplish only an infinitesimally small amount of work, but in the aggregate they undoubtedly render available many millions of pounds per year. Then the Leguminosæ add to the supply by feeding from atmospheric nitrogen through the "root nodules" nature so generously bestowed upon every plant. But all the clover, alfalfa, peas and beans, and all the microbes and all the "lightning" will not manufacture a small portion even of the demand of our growing crops for available nitrogen. Expensive fertilizers, such as manure, tankage, guano and Chilean saltpeter containing large amounts of nitrogen must be yearly supplied to poor and even good soils, and it is estimated that 600,000 tons are taken out of the soil by crops in France alone and only one-half is returned. Above us for miles is an inexhaustible amount of nitrogen if it could be drawn upon. One square mile would contain 2 million tons, or enough to supply the entire world for five years.

Success to the savants in their efforts to feed the soil from the air.

### **DMITRI IVANOWITCH MENDELEJEFF.**

The death of Dmitri Ivanowitch Mendelejeff, which occurred in St. Petersburg February 2, robs the world of one of its greatest chemists.

He was born February 7, 1834, in Tobolsk, Russia, received his education in St. Petersburg, was appointed Professor of Chemistry in the Technological Institute in 1861, and in 1866 took the chair of chemistry in the University of St. Petersburg.

Chemical science has been enriched by his valuable contributions in both physical chemistry and chemical philosophy, and by his many important discoveries.

His "periodic system" of the chemical elements is considered the greatest discovery of the present era. In accordance with this theory many new elements have been discovered which prove its great value and infallibility.



## SCIENTIFIC

### PROF. NIELS E. HANSEN.



Prof. Hansen was born in 1866 near Ribe, Denmark, where his ancestors had lived for some generations. His grandfather held the same public office for 53 years, his trustworthiness being recognized by the king, who honored him with the decoration of the "Dannebrog."

Prof. Hansen's father, an artist, brought his family to the United States in 1876, selecting Des Moines, Ia., for his home. Prof. Hansen showed

ambition and energy at an early age, earning the means wherewith to attend Ames college, from which he graduated when 21 years of age. After graduation he continued his studies at Ames. During his post-graduate work he served in the capacity of assistant to Prof. Budd, the noted horticulturist, who was the pioneer in the introducing of the hardy Russian fruits into our country and in whose footsteps Prof. Hansen, his clever scholar, has aptly followed. For eleven years he has been at the head of the Department of Horticulture and Forestry at the State Agricultural college, Brookings, South Dakota.

We print below an interesting article which we have received from Prof. Hansen, telling of his journey, full of hardships and exposure, through northern Europe and Asia in search of plants, inured to a cold climate, suitable to transplant to our similar vast arid plains in the Northwest.

#### A PLANT BREEDER'S TRIP TO EURASIA.

"The principal object of my third trip to Russia, from which I returned January 2d, was to trace the northern limits of alfalfa in Asia. The journey began June 28th, and the six months' journey turned out to be a trip around the world, ranging in latitude from 70 down to 20 degrees.

"One of the objects of Secretary Wilson's work in agricultural exploration is to conquer 'the Great American Desert' by the introduction of economic plants from similar climates of the old world. In 1897-98, as part of this work, I made an overland journey of two thousand miles through Turkestan, Western China and Southern Siberia; as one result of this adventuresome effort, Turkestan alfalfa was imported to America for the first time and its northern limits traced in the overland journey. On this second trip to Siberia, I took up the broken trail where I left it and

followed where it led, clear across the continent of Asia. The interesting fact was brought out that where the blue flowered alfalfa stops, the yellow flowered species are found extending from one to two thousand miles further north across the continent. As they are excellent forage plants in dry sections where the mercury often freezes with no snow on the ground, it seems to indicate that the alfalfa belt will be ultimately extended on this continent as far north as we will care to farm. Not an ounce of the seed is for sale anywhere; I had to gather the seed from wild plants on the Siberian steppes. Some tap-rooted Siberian clovers were found in this same region, also other promising forage plants.

"It is worthy of note that the many failures in farming in the semi-arid regions of the west, are due to the fact that the plants cultivated were from Western Europe; in other words, it is unwise to farm in a dry climate with wet climate plants.

"I have not had time to make an inventory of the many other plants obtained, but I wish to report briefly some main facts brought out by the International Conference of Hybridization and Plant Breeding in London. The storm center of discussion was about Mendel's law and De Vries' mutation theory. Dr. Bateson of Cambridge University, the president of the conference, has worked energetically with many assistants along Mendelian lines and there was an extensive exhibit at the conference of their work with many flowers and several species of animals, including poultry, sheep, canary birds, mice, and even moths and snails. After the close of the conference I had the pleasure of inspecting at Cambridge the vast amount of careful work that has been done to prove the truth of Mendel's law. Some obscure cases that at first did not appear to follow Mendelian lines, have been analyzed further in careful experiments; it now appears that certain qualities are transmitted in pairs or even larger groups; this is termed 'genetic coupling.' Bateson, in his address, proposed the name, 'Genetics,' for plant and animal breeding; this found general favor at the conference and will probably be the name that will stand.

"R. H. Biffin of Cambridge demonstrated in his wheat hybrids that such characteristics arrest resistance, milling quality and heavy yield are transmitted according to Mendel's law. This opens up a wonderful field in cereal breeding, as almost any desired combination of characters can be obtained in one plant.

"The general impression at the breeder's conference in London was, that the next international meeting should be held in Paris four years hence, and that all future meetings should be quadrennial. The Royal Horticultural Society proved to be royal entertainers and no efforts were spared to make foreign delegates feel at home. I would, indeed, be glad were I able to convey to the public the tremendous enthusiasm for experimental work which was displayed at this great meeting.

"After leaving England, the experimental station work of Denmark, Norway and Sweden was studied, including the far northern part of Norway and Sweden, north of the Arctic circle. Here some remarkable work was being done in originating varieties of cereals, especially barley, capable of enduring frosts at critical stages of growth.

"At Svalof, southern Sweden, I found that the principal of mutation had been recognized on the course of extensive experiments in originating new varieties



of cereals. The many excellent varieties already obtained we may now consider to be elementary species, isolated from systematic species. The varieties obtained are remarkable for uniformity of type. At all the experimental stations visited, De Vries' mutation theory was recognized as being of primary importance in plant breeding, and animal breeders must recognize its equal importance in their work. The journey was continued through Finland, European Russia and Siberia, the homeward journey being via Japan."

### "THE FOOD AND MEDICINAL VALUE OF ICE CREAM."

By Dr. John A. Wesener, Chemist of the National Association of Ice Cream Manufacturers at Their Annual Convention Held in Chicago, Ill., Feb. 17, 1907.

Mr. President, Gentlemen of the Association: I think I have as fully right as the attorney to say that this subject is also an endless subject, and I could talk on it, if I knew more about it, forever.

The food value of milk which goes into ice cream, or used to go into ice cream, and still goes into ice cream, and we hope will continue to go into ice cream, depends largely upon the quality of the milk. The milk must be pure, must be of a high sanitary standard and must be wholesome. Milk that is sour (and the same applies to cream), or that has undergone changes of fermentation, is not always a fit product for food. Two years ago the production of milk was carried on in a very haphazard and a very uncleanly manner. To-day, however, the farmers are being educated by the Agricultural Department of the United States, by our Health Boards and other sanitary boards. They have been taught that there is money in producing good milk, and that there is less in producing poor milk. Nevertheless, the standards which they have reached in regard to the production of good and wholesome milk has reached its limit. Possibly not in the ultimate, but to a practical degree. It is true we have what we call ideal dairy farms, where they make certified milk, and where they handle the cows the same as the surgeon does his patient before he operates, and where they have stalls which they try to keep as clean as an operating room. Now, that is all very beautiful and very nice from a theoretical standpoint. But it will never fill the bill. Why? For the simple reason that under the most ideal and under the most careful conditions it is impossible to produce absolutely pure and sterile milk. We know that when the milk leaves the udder of the cow and that udder has been thoroughly cleaned and no air strikes that milk that milk is sterile. But the air is full of organisms of all kinds, and the moment the air strikes that milk it is contaminating. We hope some day the milking will be done by milking machines, but up to the present I believe the machines have not proven satisfactory. The farmer who milks with his hand coaxes the milk from the cow, and I remember an incident that will illustrate that very broadly. There was an elephant in captivity which give birth to young, and there were some scientists who insisted upon getting some of this milk from the elephant for analysis, and they tried to fool the elephant in every way. They would put the calf on one side of the elephant and turn her head in such a direction that she could not see the milker on the other side. At first when he started to milk she would let down the milk, but she would soon discover it was not the calf sucking, and immediately would stop the milk on that teat, whereas from the other teat she would allow the milk to come down and give it to the calf. Now, that is one reason why these milking machines are unsatisfactory.

The calf knows how to suckle the teat. It uses its nose and strikes the udder and stimulates the flow of milk, holding onto the teat and massages it, and in that way stimulates those glands to give up the milk. Certified milk (which is the highest pure milk that we have) will not settle the question of pure milk for our cities, nor pure milk and cream for ice cream manufacture. It is impossible to produce this, as I have already said, due to the air contamination, and due to a great many other conditions. This fact is recognized in such countries as Denmark, and in that country they produce the finest milk and butter in the world. A Danish butter is always uniform. They make the

farmer live up to certain requirements and see that he produces sanitary milk. They have inspectors appointed who go around once in so often to inspect the herd, inspect the barns, inspect the utensils and the manner of milking; but in spite of all that care nearly all the milk produced in Denmark is Pasteurized, to be doubly certain that that milk when it reaches the consumer is a pure product, and that is the only way that pure milk can be produced and at the same time sell it at a cost within the reach of all. Certified milk will never solve the question of pure milk for our cities, and it doesn't make any difference how drastic ordinances you have, or how drastic your laws on this question, it is physically impossible to do it. But there should be a law passed that no impure milk should be allowed to sell. A milk can be easily purified by Pasteurization or similar warming processes. We do not ask any man to eat meat raw, and no man thinks of eating raw meat daily; but such meat is cooked and prepared before it is consumed. The object of cooking meat is, first, to make it more palatable and wholesome; second, to destroy any disease or organisms which may produce disease.

Now, the reason I dwell on this point is that the ice cream manufacturers within recent years have gotten away from poor milk and poor cream. They buy a product to-day which is made in factories which compel the farmer to produce the best milk that it is possible to produce under the present scientific and sanitary regulations. When such milk is delivered to the factory it is condensed, and by condensing it you make a nearly sterile product. The cream is Pasteurized, and in that way all diseased organisms are destroyed, and I might say today, now that we have a scarlet fever and diphtheria epidemic in Chicago, that if all the milk brought into Chicago was Pasteurized, we would not have had any scarlet fever epidemic, providing the scarlet fever was due to the milk.

This Pasteurized cream and condensed milk now go into the manufacture of ice cream, and a product is produced not only of high food value but of very excellent and hygienic value. The diseased organisms are destroyed by this treatment and the organisms which are present are of the mild and non-diseased varieties.

You know, speaking of organisms, that the large mass or number of organisms are of great benefit to man, and that there are only a few species that are of no benefit and are of the diseased organisms. If condensed milk and Pasteurized cream is taken away from the ice cream manufacturer, and he is obliged to live up to the standard as laid down by the United States standards committee, namely, "Shall be made of cream, sugar, with or without a natural flavor, and contain not less than 14 per cent milk fat," it will be necessary for you all to buy cream from everywhere, from every source. The condensed milk as made to-day for the ice cream manufacturer, will go out of business, for the reason that the large bulk of condensed milk is sold to the manufacturers of ice cream. You would then have to buy your cream from creameries, where the final product which they make is butter, and cream which is turned into butter does not have to be very sweet and can be almost any sort of a product. It can be brought to the factory sour, or in a state of decomposition, it will still make butter. Now, that sort of cream will make, when put into ice cream, a very poor product. It will first impart a disagreeable taste to the palate; second, it will be very high in bacteria; and, third, it may contain organisms that will produce disease. You seldom hear nowadays of ice cream poisoning. Five, six and seven years ago it was quite common to hear of ice cream poisoning. Here would be a picnic where all the people were taken sick from eating ice cream. What was that due to? Organisms which developed in this cream, which were pathogenic or diseased organisms, and they produced poison, which, when taken internally, produced these poisonous symptoms in these individuals. Doctor Vaughan, of Ann Arbor, was the discoverer of that poison, tyro-toxicon. Therefore, the food value of ice cream depends on the kind of product you use to make ice cream from. Ice cream containing about 7 or 8 per cent butter fat and made from condensed milk, eggs, gelatin, has as high a food value as ice cream made from cream having a minimum percentage of 14. You know that fat contains a great many more heat units than any of our other food stuffs. Fat contains about two and a quarter more heat units than albumen or sugar. But the albumen will be much higher in ice cream made from condensed milk than made from straight cream. We can not always figure food values, however, from the ingredients which make up its food value, namely, fat, protein and milk sugar, but we must also figure



from a physiological standpoint, namely, when is a food well balance, and when is it not well balanced.

You have heard the story about a farmer feeding his horses too much corn in the summer time and overfeeding them by so doing. Well, that is because there was too much fat in the corn, and there was too much starch; if he could have fed those horses more meat bodies and less starch and less fat the horses would have been in a much better condition; would not have sweat so freely, and would have been able to do a great deal more work. And the same applies to food values. Nature intended men to drink milk containing about 4 per cent butter fat. Mother's milk contains about 4 per cent butter fat, and a little more milk sugar than cow's milk, and a little less of protein than cow's milk. From a physiological standpoint, food value depends on how the food is balanced. If you have too much fat, then you have a product in which you do not get the whole food value, for nature has a way of eliminating excesses. No one would think of drinking cream daily containing 14 or 15 per cent butter fat. In the first place, it would become nauseating; it would bring on sickness, vomiting; there would be indigestion produced, butyric acid, fermentation in the stomach and bowels, and after a while you would have a taste in your mouth when you would throw up these gases and acids which would remind you of a renovated butter factory and what they commonly called heartburn. No one can drink 8 per cent butter fat cream continuously, because it would sicken them and produce indigestion. Now, ice cream is not eaten for food value; not at all. If we were to eat ice cream for food value I think we would all starve, because none of us could exist continuously for our food on ice cream alone. We eat it for a sweetmeat, or as a relish, you might say. It is nice to wind up a meal with a little ice cream. Why? First, because it tastes nice; it gets rid of the porterhouse steak taste, the soup taste; second, we like to put something cold into our stomachs at that time. Why? Because it delays digestion for a little while, and the gastric juice is checked temporarily, and in that way takes away the sense of fullness from eating a large meal.

Now, in regard to the cost from a food value standpoint. The worth of milk is solely on the percentage of butter fat; therefore, if you have been making ice cream containing 7 to 8 per cent butter fat, and you want to now double it, in order to conform to the United States standards, you will have to produce twice as much milk in order to get the 14 per cent butter.

The demand for milk is increasing daily, due to the increased population. Milk, on the other hand, is becoming shorter in that ratio every year. Why? In the first place, as the lands become more and more valuable around the large cities, the cost of milk does not go up in price with the value of land, therefore it does not pay the farmer to produce milk. He can make more money raising corn and other grain. The farmer does not like to produce milk, because when he milks the cow, that is doing chores. The farmer does not like to do chores. It is hard to get milkers, and that is another reason why milk is not produced more abundantly than it is. If we are to have a 14 per cent butter standard, then it will require twice as much milk. Where are you going to get it from? What will be the price of cream next summer under those conditions? In the first place there will not be enough cream, and, secondly, you will have to pay about the price that the milk producer demands for it.

The food value in milk, to my way of thinking, is the proteids first, second, the milk sugar, and third, the butter fat. Milk for the young is an ideal food; for the adult it is not, for the reason it is too bulky. You would have to drink too much of it in order to get sufficient nourishment to sustain you. When we reach adult life or middle life, we are all of us over-fed. I think I am a very good representative of that. (Laughter.) And the thing I have to look out for is not to eat too much instead of eating more. In other words, we ought to eat less. We all overeat, and we are all eating too rich food. There is no question about it that a large percentage of chronic diseases are produced from overeating and are the result of overeating. Take Bright's disease, take gout, take rheumatism, take certain lesions, take what you call sclerosis of the arteries, which is a hardening of the veins, or early age, you might put it—all due to overeating to a large extent. The food value is in the proteids and sugar, and lastly the fat.

Now, discussing this from the medical standpoint, the doctors in recent years make it a point, in order to be safe in their diet when they have a sick patient, to feed them milk, and they show good wisdom in limiting the diet almost ex-

clusively to milk. The question of diet is a very broad one, and I do not know whether we shall ever be able to solve this problem. If we could feed men the same as the Agricultural Department does the cow, it would be easy; or the same as you feed a horse, that would be very easy. Man, however, has an aesthetic taste, and he is a peculiar machine, and what may be food for one individual may be poison for the other, and therefore it is impossible to lay down a diet for this individual and say this same diet will fit this individual. Milk, however, seems to be a food that is pretty well tolerated by all individuals and in all diseases, and in that respect the doctrine is playing pretty safe.

A few years ago when typhoid fever was epidemic to a very virulent degree, and when the mortality rate was very high, milk was not used very much in those days as a diet, but they used to feed them beef tea, mutton broth and extracts from meat products. The worst stuff in the world to feed a typhoid patient, and that was the reason the mortality rate was high, because you were putting into the intestinal tract just the finest food in the world on which the typhoid fever organisms grow. Perforations were very common. You thought your patient was about well, and the first thing you knew the temperature went down, the pulse began to beat rapidly and a stare in the face of the individual, and an hour or so afterwards, death. Well, what happened? One of the intestines was perforated. Now we don't have that very much in typhoid fever any more, and typhoid is a rather easy disease to handle. It is a self-limited disease in the first place, but you must diet your patient. Medicine doesn't do any good in typhoid fever, but milk is of great value and milk products; but they don't feed them cream, not 8 per cent even, and never 14 per cent butter fat. And how this standard committee got this idea in their head is beyond me, because you will not find it in the medical literature nor in any recognized book on dietetics.

This subject of diet in typhoid fever, namely, giving milk, interested me very much ten to fifteen years ago, and I made a very exhaustive study at that time. I had thirty cases over at the Cook County Hospital, and they were kept on milk, koumiss and skimmed milk, and butter-milk, and no medicine was given, and each and every one of these cases recovered, and I made an examination of the urine before they were given any milk, and then after they put on the diet, and I was surprised to see how the milk and the koumiss and the butter-milk kept down intestinal fermentation and putrefaction. That from a very figure at the end of three days there was no longer any putrefaction going on in the small intestine, and I was able to determine in the analysis of the urine, and the mental condition of the individuals, they would pick up in proportion to the lack of putrefaction going on in the bowels; and, as I say, they were put on simply an exclusive diet, no medicine whatever, and each and every one recovered; simply ran their normal course, and that was the end of the trouble.

Now, we hear people say, "Well, cheese is hard to digest." Cheese, of course, is the proteid matter in milk. Now, as a matter of fact, cheese is the most easily digested food we have. If it were not so, why did the Lord put it in milk to give us all our first start in life. That is the only answer I have. (Applause.) And for that reason these products in milk are of a great deal more value, and are more healthful, will produce better men and women and children, than ice cream that is loaded down with butter fat.

I do not really know that I have anything else to say on this subject, but it seems to me that we ought to produce an ice cream that is pure and wholesome, of high food value, that is well balanced, and that can be supplied at a price within the reach of all of us. I am not interested in the individual who lives on Grand Boulevard or the Lake Shore drive in regard to what he can pay for his food products. It does not make any difference what standard you create, he can buy it. But I am interested in the poor individual who lives down here on Canalport avenue and Clinton street. I want to see that individual get a pure, wholesome product, and get it within his means. I want to thank you, Gentlemen.

Mr. Voght (Louisville, Ky.): May I ask you a question? I have been talking to several boards, and they tell me—two or three physicians that I know—that they would not allow a patient of theirs to be fed on Pasteurized milk, because it will produce scurvy and rickets. They are condemning Pasteurized milk throughout the whole country, and I have written to several physicians in New York, and some of them agree with that and the majority do not. I would like to have your opinion on that.

Doctor Wesner: I am very glad you asked the question



Pasteurized milk is milk that has been heated to about 140 to 165 degrees Fahrenheit. Now, you can heat milk up to to about 160 to 165 degrees and keep it there for half an hour, and you destroy nothing in that milk, absolutely nothing. You do not destroy any of the chemical ferment, which are so essential to the baby; that is, those ferments which are an antidote for scurvy and scrofula, but if you cook it—go above this temperature, 170 to 180 degrees, which is absolutely necessary in order to produce good pure milk—then you destroy those ferments, and that individual kept on strictly sterilized milk is likely to have scurvy, as you say. Now, of course, we do not know just what produces scurvy. We know that in olden times, before we had steamers, a sailing vessel would go out to sea to be gone several months, and they had their salt pork and their hard tack biscuits, and they had to take lemons and fruits of that nature along, otherwise they would all be taken with scurvy. In other words, what was the anti-scurvy element in this milk was destroyed by its process of cooking and preparing it for food, and the same is true, of course, in those hard tack biscuits. We find this same anti-scorbutic element, as some of them call it, in all fresh vegetables, and that is probably one reason why we all have such a craving taste for vegetables in the spring; we all want them, especially in the small towns where they don't produce small vegetables—that is, to a much slighter degree than in the city, where we have fresh vegetables more or less the whole year round. There are all kinds of Pasteurized milk. If you cook your milk to a high degree of temperature, I would not call that Pasteurized milk, because you have virtually sterilized milk; but if you have Pasteurized it within the limit that I call attention to, not above 165 at the utmost, you do not destroy any elements in the milk, and especially do not destroy this anti-scorbutic element which prevents scurvy and scrofula, as they call it.

In London they are now advocating the Pasteurization of milk. In Denmark, as I have already stated, they do this almost exclusively, and London is now following suit. The milk produced under such conditions is pure and wholesome. Why stop to think that a dairy which furnished milk to a large city, 15 to 25 and even 30 miles south, may have tuberculosis, and during Governor Tanner's time there was a commission appointed to investigate this subject, and the Governor and the people were simply appalled when they found out that in some counties 25 per cent of the herd were tubercular. Now, if you run a certified farm and conduct ideal dairies, and you test your cows every six months with tuberculin to guard against tuberculosis creeping in that herd, a month after you have made that test, that animal may have tuberculosis and be furnishing milk. It is true the milk may not show the tubercular bacilli, but the animal has got it, and it may be that the milk may show it providing the disease locates itself in the udder. So the only safe way, the economical way of giving a city a pure and wholesome milk supply, is by passing an ordinance that compels the dairymen to purify and Pasteurize good milk and in that way protect the consumer. I thank you.

Mr. Voght: Will you explain the difference between Pasteurization and sterilization? A great many other don't understand it.

Mr. Jackson (Sterling, Ill.): I think we are wasting time. I don't think this is germane to the question. A great many ice cream manufacturers here who desire information, and who don't want Pasteurized cream, and are not fixed to use it.

President Frank: Will you answer the question, Doctor?

Doctor Wessner: The difference between Pasteurized and sterilized milk is that sterilized milk contains no organisms or no eggs from organisms commonly called spores. Pasteurized milk may contain no organisms whatever, but it contains the spores of the organism. But 145 degrees to 165 degrees of heating of milk for a half hour will destroy all of the diseased organisms, and they are the only ones we are interested in getting rid of from a health standpoint.

### B. C. Salmon.

The pure food law is probably a good one as far as it goes, but one important thing was left out and that is that the cans should be dated whatever else is done on all canned goods. When we buy a can of salmon we want to know whether B. C. stands for British Columbia, or before Christ. This is one thing that we are particular about.—Britt, Iowa, Tribune.

## PURE FOOD LAWS AND THEIR RELATIONS TO THE ICE CREAM INDUSTRY.

Delivered at the Annual Convention of the National Association of Ice Cream Manufacturers  
Chicago, Feb. 6, 1907.

BY MR. N. LOWENSTEIN.

Mr. Chairman and Gentlemen:

I am delighted to have the pleasure of addressing you on a subject of such vital importance to all the gentlemen assembled as Food Laws.

I hardly believe, however, that I can elaborate on the subject or give any additional information to that of the various gentlemen who have spoken on this subject, as they seem to have touched upon all the important features.

I have talked with a great many of the ice cream manufacturers on this subject, and the majority of them seem to feel as if the government officials and some of the state officials were particularly desirous of seriously disturbing their business. This, however, is not the case. The government at no time wishes to deprive the public of such a valuable and desirable food as ice cream.

After considerable thought, it appears to me that if the ice cream manufacturers will work in harmony they are not confronted with as serious a difficulty as would appear on first reasoning. The danger of a serious disturbance and an unjust standard in the ice cream industry lies with the ice cream manufacturers themselves. Upon this point I will touch a little later.

In the past the tendency of all manufacturers has been to comply as nearly as possible with the various state food laws, and nearly all manufacturers welcomed the passage of a national food law. However, a great many of these manufacturers labored under the impression that the National Food Bill would relieve them of many difficulties now found in endeavoring to comply with the various state food laws. While this condition has not as yet been brought about, indications point to uniform food laws in the various states.

As an instance, we will cite the laws recently passed in Georgia and Kansas, as well as the bills now pending before the legislatures of Missouri, Colorado, Louisiana, Texas and Illinois. All of these bills are patterned along the lines of the national bill. However, a great many of these bills contain clauses to the effect that any standards that have been, or may be, adopted by the United States Department of Agriculture, shall be the standards of that particular state. I might say in passing that from my limited knowledge of the law, I do not believe that this portion of any bill can be considered as legal, and it is questionable if any court would uphold it for the reason that the law can at no time contemplate or pass any action upon something that might be liable to happen.

A great many of the ice cream manufacturers who are doing merely a local business have felt that they were not affected by the National Food Law, and they were laboring under the impression that the National Food Law did not interest them in the least. I want to say right now, gentlemen, that this is a fallacy. The ice cream manufacturer who does no shipping is confronted with identically the same situation as the interstate shipper.

If the standards which have been recommended by the Secretary of Agriculture as standards for purity on food products should be legalized, a great many of the state legislatures will pass laws adopting the government standard. This would make them as binding as any standard inserted in the state bill, and even more oppressive, for the reason that, while the government exercises supervision and jurisdiction only over original, unbroken packages, the state officials exercise jurisdiction over the food product up to the time it enters consumption, and in the case of ice cream right to the time it is served to the consumer on a dish, or in a glass of soda water.

I had the idea up to last Thursday that there should be a minimum standard of butter fats in ice cream. This view was also held by the majority of ice cream manufacturers. Mr. T. D. Cutler of the Ice Cream Trade Journal was in conference with some of the Chicago manufacturers, and took what it appeared the unenviable position of declaring that no standard of any kind, based on the butter fat content, should be promulgated on ice cream, either by the government or any of the state officials.

This was argued against in very strong and forcible language by several of the Chicago manufacturers, but since that time the views of Mr. Cutler, Dr. Eckert and Mr. Walker have prevailed. At the initial meeting of the Illinois



Association of Ice Cream Manufacturers, held last evening, it was decided that the association should argue for the no butter fat content standard. I might say that I understand from that Messrs. Cutler, Eckert and Crane, that the Pennsylvania Association adopted the same idea. The line of reasoning for the no butter fat standard is this:

You cannot legally ask for a standard based on butter fat content, for the reason that if you did, the caterer who is putting out what might be termed a caterer's ice cream, and which might possibly contain 18 per cent of butter fats, can ask that his ice cream shall be the standard, and the hokey pokey man, with just as much reason, can ask that his 2 per cent or 3 per cent butter fat cream shall be the minimum standard. If you insist upon an 8 per cent standard of butter fat, you will find every government and state official will ask the question: "Well, why is 14 per cent not just as good as 8 per cent?" and you then lay yourself open to the charge that it is the butter fat in the ice cream that gives it its commercial and intrinsic value, and you are endeavoring to cheapen your product or reduce the cost of manufacture, which is not the case, and if you argue for an 8 per cent standard you will find that all the officials will hold firm to the 14 per cent standard, and will exclude from that standard the use of such pure, wholesome products as condensed milk and gelatine.

When the government or any state food official contemplates declaring a standard saying how much butter fat shall be contained in ice cream, he is not promulgating a standard of purity, but he is declaring a standard of quality. He might just as well say that Jones must not wear a cotton lined coat, but must wear a silk lined. This is not in keeping with our ideas of a free people, nor is it in harmony with the clear intent and purpose of Congress or even the state legislatures in passing the pure food laws.

The ice cream manufacturer, I believe, more than anyone else, is desirous of manufacturing a pure, wholesome food product. His business depends upon it. He must do it, and he needs no legislation restricting him in the use of deleterious substances. He never uses them and he never intends to use them, but what he does insist upon is the right to use such wholesome, nourishing and health giving ingredients as condensed milk, in order to give his ice cream that body and firmness which is necessary in the production of a wholesale ice cream, as well as the use of gelatine or other harmless binder, in order to keep the butter fats in the water in solution, and to prevent the ice cream from running down and becoming icy, and so that it might not be immediately torn to pieces by a stream of soda water.

There will be found in several of the state food laws, particularly Florida, a provision somewhat as follows: That where any matter or ingredient not injurious to health has been added to a food or drug, because same is required for the production or preparation thereof as an article of commerce, in a fit state for carriage or consumption, and not fraudulently to increase the bulk, weight or measure of the food or drug, or conceal the inferior quality thereof, same shall not be considered as an adulterant.

Both gelatine and condensed milk are necessary in ice cream for the production or preparation thereof as an article of commerce in a fit state for carriage or consumption.

What you want, gentlemen, is the definition for ice cream as it was read to you yesterday by Mr. Cunningham from Webster's Unabridged Dictionary, a definition that excludes any of the unwholesome or deleterious substances or materials.

I want to say, gentlemen, that at the present time there is not the slightest authority for the establishment of government standards. The Agricultural Appropriation Bill, approved March 4th, 1903, carried a provision worded somewhat as follows: "To enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, or such other experts as he may deem necessary to ascertain the purity of food products, and determine what are regarded as adulterants therein, and to establish the standards therefor."

Now, this provision was effective only for one year, and the authority granted under this bill ceased absolutely on midnight June 30th, 1904. Certain interests endeavored to have this same provision inserted in the Agricultural Appropriation Bill of 1904, 1905, 1906 and again this year, and in each instance it was ruled out on a point of order, as irregular legislation. Efforts were made to have this objectionable provision reinserted in the senate bill, and a great many food manufacturers and organizations immediately communicated with their senators, requesting that no one be given arbitrary

power to fix food standards under the Agricultural Appropriation Bill.

In answer to a telegram which I sent to the two senators from Illinois, I have a reply from one of them reading as follows:

"Your telegram of recent date is at hand, and contents noted. Your suggestion relating to the proposed provision regarding food standards in the Agricultural Bill shall receive due consideration, I can assure you."

All the gentlemen present must prevail on their senators to keep this objectionable provision from the Agricultural Bill, and not permit the reinsertion of objectionable matter stricken from the house bill.

If the government officials shall ever receive authority to make the standards recommended by the Association of Official Agricultural Chemists legal, there would be such an advance in the price of ice cream as to make the product prohibitive to the ordinary wage earner. The constant increase in the price of food products has made the question of living a serious one, particularly for the man with a small salary. With only a small increased income, the wage earner finds himself face to face with constantly increasing expense.

For a great many years ice cream was regarded by the public as a luxury, and it is only in recent years that its great value as a food product has become universally known, but it still occupies a unique position in the food world, and should the high butter fat standards become the fixed standards, ice cream as a staple, the wage earner is forced to regard it as a the word, instead of an article of every day consumption.

Owing to the conditions that confront the wage earner, he is compelled to gradually dispense with one or another little luxury which he has formerly enjoyed, for the reason that the price of some foods are gradually removing them from his reach, and while you may regard such a product as ice cream as a staple, the wage earner is forced to regard it is a luxury, and if the price of this product is advanced, he is compelled to cut off even this small source of enjoyment. The high butter fat standard of ice cream would mean an increased cost to the retailer or dispenser, who, in turn, must increase the price of ice cream to the consumer, or what is tantamount, furnish a smaller dish. Either of these two methods would result in materially reducing consumption.

To my mind the danger of the establishment of an unjust and unreasonable standard lies in your own midst. This is with an occasional individual ice cream manufacturer, who for a moment is egotistical enough to believe that the food laws were enacted for his own particular benefit, and that by means of them he will be able to destroy and stifle competition. I am referring to the gentleman whom Mr. Cunningham designated yesterday as being in the "Holier than thou" class. In these days of strife it is a strong struggle between manufacturers to obtain supremacy over one another, and it becomes a battle for the survival of the fittest.

Therefore, when a certain ice cream manufacturer believes that he is manufacturing a product superior to that of his neighbor, he wants the standard to remain as it is. Now, gentlemen, this matter is not among ice cream manufacturers. It is usually a small catering establishment where an occasional freezer of ice cream is made up in the afternoon for consumption at some festival or dance in the evening, but it is not the large wholesaler or manufacturer. The wholesale manufacturer knows and has thoroughly considered the difficulties he will have to contend with in order to meet the present government ideas during the hot weather. The small caterer who cries out that the standard should remain as it is has not considered his source of cream supply. Furthermore, he does not know whether he will be able to purchase enough cream of a sufficiently high standard to produce ice cream enough to supply even his small trade. He labors under the fallacy that since, as he believes, he has been manufacturing an ice cream up to standard, that he can continue to do so, and also that he could possibly supply some of the competitors of his wholesale competitor without advancing his price. If such is the case he has also evidently neglected to consider the law of supply and demand. Increased demands for a high butter fat ice cream would mean increased prices to the manufacturer. There are other difficulties which he must face in order to manufacture a high butter fat standard ice cream under new conditions, all of which the wholesale manufacturer has considered.

Mr. Cunningham has spent a great deal of time investigating the kinds and qualities of ice cream demanded by the public, in all the large concerns of the Middle West and East, and he discovered that the average demand was for an ice cream ranging in butter fats for ordinary ice cream between 6 per cent and 9 per cent. Now, then, this was evidently ice



cream. Each and every lot of this ice cream contained gelatine or other harmless binder, as well as condensed milk, and it was considered, purchased and consumed by the public as ice cream. Bear in mind that the public is buying ice cream, not butter fat; therefore, as I stated before, the butter fat question should not enter into any standard that might be suggested. It therefore becomes absolutely necessary, in order to gratify the tastes of the public, that they should have the identical product that they have been receiving heretofore, and when the government attempts to set up a standard of butter fat they are telling the consumer that he must buy a product of certain quality, which is not in keeping with the spirit of the Constitution.

The poor man should have his ice cream as well as the rich, and if he cannot afford to pay as much for his ice cream as his richer neighbor, he should get that quality of pure, harmless ice cream that his money will buy.

While I do not wish to engage in any argument as to which is the best ice cream, a 14 per cent or an 8 per cent, still the majority of physicians hold that an 8 per cent ice cream, containing nourishing solids, such as condensed milk, is the better product of the two as a food, and because it is less likely to set up disturbances in the digestive tract.

Remember that in unity there is strength; work together, work in harmony, and you will obtain your object; that is a just and fair standard for ice cream; but if the caterer takes one stand and the wholesale manufacturer another, there is certain to be friction that will bring about an unjust standard which would work in time even a greater hardship on the caterer than it would on the wholesale manufacturer.

Gentlemen, I thank you.

### PROSECUTIONS IN CHICAGO.

State Food Commissioner A. H. Jones has caused prosecution to be begun against the following named firms for selling oleomargarine for butter without informing the purchaser that the same was an imitation butter, and for having colored oleomargarine for sale.

These cases are set for Monday, February 18, 1907, before Judge Scoville, and a jury at 125 South Clark street. A motion will be made to quash all of the informations charging violations of the oleomargarine law on the ground that the oleomargarine law of 1897 under which these prosecutions are being made is unconstitutional.

#### COOK COUNTY.

#### LIST OF CASES.

##### Oleomargarine—Colored.

##### Card No.

- 9043—Consumer's Butter Co., Jno. R. Roney, Prop., 660 W. Van Buren St. Sample purchased for butter December 18, 1906. Analysis shows—Oleomargarine, colored. Witnesses: H. Kennicott, Chas. H. Kjellquist, F. Hoey. Chemist, L. Doggett.
- 9044—M. Tackeman, 353 W. Van Buren St., Chicago. Sample purchased for creamery butter, Dec. 18, 1906. Analysis shows—Oleomargarine, colored. Witnesses: F. Hoey & Chas. H. Kjellquist. Chemist, L. Doggett.
- 9047—John Demetrakakes, 1119 W. 12th St., Chicago. Sample purchased for butter, December 20, 1906. Analysis shows—Oleomargarine, colored. Witnesses: F. Hoey, Chas. H. Kjellquist, and H. Kennicott. Chemist, L. Doggett.
- 8986—The G. H. Smith Tea Co., 2707 Superior St., Chicago. Sample purchased for "Oleomargarine," Nov. 2, 1906. Analysis shows—Oleomargarine, colored. Witnesses: F. Hoey and H. Kennicott. Chemist, T. J. Bryan.
- 8997—A. Boynton, 86 Fifth Ave., Chicago. Sample purchased for "oleomargarine," Nov. 26, 1906. Analysis shows—Oleomargarine, colored. Witnesses: F. Hoey and H. Kennicott. Chemist, T. J. Bryan.

- 9008—Chas. J. Murphy, 1653 Milwaukee Ave., Chicago. Sample purchased for "oleomargarine," Dec. 3, 1906. Analysis shows—Oleomargarine, colored. Witnesses: F. Hoey and H. Kennicott. Chemist, T. J. Bryan.
- 9017—Nils Jensen, 1629 Armitage Ave., Chicago. Sample purchased for "oleomargarine, colored," Dec. 4, 1906. Analysis shows—Colored oleomargarine. Witnesses: H. Kennicott and F. Hoey. Chemist, T. J. Bryan.
- 9018—Berg & Oxnevad, 284 Grand Ave., Chicago. Sample purchased for "oleomargarine," Dec. 6, 1906. Analysis shows—Colored oleomargarine. Witnesses: F. Hoey and H. Kennicott. Chemist, T. J. Bryan.
- 9023—Larson & Granath, 128 Sedgwick St., Chicago. Sample purchased for "oleomargarine," Dec. 7, 1906. Analysis shows—Colored oleomargarine. Witnesses: F. Hoey, H. Kennicott and Chas. Kjellquist. Chemist, T. J. Bryan.
- 8989—Iowa Butter Co., Geo. H. Sorg, prop., 1136 Milwaukee Ave., Chicago. Sample purchased for butter, Nov. 8, 1906. Analysis shows—Oleomargarine, colored. Witnesses: F. Hoey and Chas. Kjellquist. Chemist, L. Doggett.
- 8991—The Jersey Butter Store, Mrs. L. Moore, prop., 979 Milwaukee Ave., Chicago. Sample purchased Nov. 8, 1906, for "Wisconsin creamery butter." Analysis shows—Oleomargarine, colored. Witnesses: F. Hoey and Chas. Kjellquist. Chemist, L. Doggett.
- 8996—K. K. Brimie, 718 Milwaukee Ave., Chicago. Sample purchased for "butterine," Nov. 9, 1906. Analysis shows—Oleomargarine, colored. Witnesses: F. Hoey and Chas. Kjellquist. Chemist, L. Doggett.
- 9014—Model Tea Company, H. Rasmussen, prop., 1140 Armitage Ave., Chicago. Sample purchased for "butter," Dec. 4, 1906. Analysis shows—Process butter. Witnesses: H. Kennicott and F. Hoey. Chemist, T. J. Bryan.
- 8992—Anderson Tea Co., W. F. Anderson, prest., Branch No. 11, 955 Milwaukee Ave., Chicago. Sample purchased for "butter," Nov. 9, 1906. Analysis shows—Oleomargarine, colored. Witnesses: F. Hoey and Chas. Kjellquist. Chemist, L. Doggett.
- 9021—Anderson Tea Co., Branch No. 2, 595 Grand Ave., Chicago. Sample purchased for "butter," Dec. 6, 1906. Analysis shows—Oleomargarine, colored. Witnesses: F. Hoey and H. Kennicott. Chemist, T. J. Bryan.
- 9040—Lakeside Creamery, Thomas Curran, prop., 140 Colorado Ave., Chicago. Sample purchased for "butter," Dec. 15, 1906. Analysis shows—Oleomargarine, colored. Witnesses: F. Hoey and Chas. Kjellquist. Chemist, L. Doggett.
- 9022—Elgin Butter Market, Lewin Morris, prop., 987 W. Lake St., Chicago. Sample purchased Dec. 6, 1906, for "creamery butter." Analysis shows—Oleomargarine, colored. Witnesses: F. Hoey and H. Kennicott. Chemist, L. Doggett.
- 9038—Crystal Lake Creamery Butter Co., J. O'Holleran, prop., 1375 W. Madison St., Chicago. Sample purchased Dec. 14, 1906, for "creamery butter." Analysis shows—Oleomargarine, colored. Witnesses: F. Hoey and Chas. Kjellquist. Chemist, L. Doggett.



- 9019—Anderson Tea Co., Wm. J. Anderson, prop., 333 Grand Ave., Chicago. Sample purchased for "butter," Dec. 6, 1906. Analysis shows—Oleomargarine, colored. Witnesses: F. Hoey and H. Kennicott. Chemist, T. J. Bryan.
- 9025—Creamery Butter Co., H. A. Peterson, prop., 408 E. Division St., Chicago. Sample purchased for "butter," Dec. 8, 1906. Analysis shows—Oleomargarine, colored. Witnesses: F. Hoey and Chas. Kjellquist. Chemist, L. Doggett.
- 8998—Emil I. Uber, 438 Milwaukee Ave., Chicago. Sample purchased for "oleomargarine," Nov. 28, 1906. Analysis shows—Oleomargarine, colored. Witnesses: F. Hoey and H. Kennicott. Chemist, T. J. Bryan.
- 9020—Eagle Tea Co., Chas. Nelson, prop., 348 Grand Ave., Chicago. Sample purchased for "butter," Dec. 6, 1906. Analysis shows—Oleomargarine, colored. Witnesses: F. Hoey and H. Kennicott. Chemist, T. J. Bryan.
- 9045—Frank Krizenesky, 2554 Milwaukee Ave., Chicago. Sample purchased for "oleomargarine," Dec. 19, 1906. Analysis shows—Oleomargarine, colored. Witnesses: H. Kennicott, Chas. Kjellquist and F. Hoey. Chemist, L. Doggett.
- 9032—Overland Tea & Coffee Co., Mr. Holek, prop., 756 W. Division St., Chicago. Sample purchased Dec. 11, 1906, for "butter." Analysis shows—Oleomargarine, colored. Witnesses: F. Hoey and H. Kennicott. Chemist, L. Doggett.
- 9024—Emil Johnson, 123 E. Chicago Ave., Chicago. Sample purchased for "butter," Dec. 7, 1906. Analysis shows—Oleomargarine, colored. Witnesses: F. Hoey, H. Kennicott and Chas. Kjellquist. Chemist, T. J. Bryan.
- 9034—Sycamore Creamery, C. E. Craft, 837 Madison St., Chicago. Sample purchased Dec. 12, 1906, for "butter." Analysis shows—Oleomargarine, colored. Witnesses: F. Hoey and Chas. Kjellquist. Chemist, L. Doggett.
- 9039—H. H. Davidson, 1384 W. Madison St., Chicago. Sample purchased for "colored butterine," Dec. 14, 1906. Analysis shows—Oleomargarine, colored. Witnesses: F. Hoey and Chas. Kjellquist. Chemist, L. Doggett.
- 9036—Economical Grocery Co., E. L. Harris, prop., 409 W. Madison St., Chicago. Sample purchased for "butter," Dec. 14, 1906. Analysis shows—Oleomargarine, colored. Witnesses: F. Hoey and Chas. Kjellquist. Chemist, L. Doggett.
- 9051—Chicago Tea Co., F. S. Goll, prop., 13 N. Kedzie Ave., Chicago. Sample purchased Jan. 14, 1907, for "creamery butter." Analysis shows—Oleomargarine, colored. Witnesses: Hoey and Kennicott. Chemist, L. Doggett.
- 9035—Modern Butter Co., Joe Chakowsky, prop., 503 W. Madison St., Chicago. Sample purchased Dec. 12, 1906, for "butter." Analysis shows—Oleomargarine, colored. Witnesses: Hoey and Kjellquist. Chemist, L. Doggett.
- 17, 1906, for "creamery butter." Analysis shows—Process butter. Witnesses: F. Hoey and H. Kennicott. Chemist, L. Doggett.
- 9000—L. Wendel & Co., Miss Lucy Wendel, prop., 1498 Milwaukee Ave., Chicago. Sample purchased Nov. 30, 1906, for "butter." Analysis shows—Process butter. Witnesses: F. Hoey and H. Kennicott. Chemist, T. J. Bryan.
- 9003—Edmund Edbauer, 1652 Milwaukee Ave., Chicago. Sample purchased Nov. 30, 1906, for "butter." Analysis shows—Process butter. Witnesses: F. Hoey and H. Kennicott. Chemist, T. J. Bryan.
- 9007—Hanber's Coffee Store, Frank C. Hanber, prop., 1776 Milwaukee Ave. Sample purchased Dec. 3, 1906, for "creamery butter." Analysis shows—Renovated butter. Witnesses: F. Hoey & H. Kennicott. Chemist, T. J. Bryan.
- 9016—Peterson & Johnson (Diamond Tea Co.), 1560 Armitage Ave., Chicago. Sample purchased for "country butter," Dec. 4, 1906. Analysis shows—Renovated butter. Witnesses: F. Hoey and H. Kennicott. Chemist, T. J. Bryan.
- 9031—Dreffein Bros., 710 W. Division St., Chicago. Sample purchased Dec. 11, 1906, for "creamery butter." Analysis shows—Process butter. Witnesses: Hoey and Kennicott. Chemist, L. Doggett.
- 8990—Banke's Coffee Store, Edw. E. Banke, prop., 1025 Milwaukee Ave., Chicago. Sample purchased Nov. 8, 1906, for "butter." Analysis shows—Process butter, colored. Witnesses: Hoey and Kjellquist. Chemist, L. Doggett.
- 9028—Banke's Coffee Store, 506 W. Chicago Ave., Chicago. Sample purchased for "butter," Dec. 10, 1906. Analysis shows—Process butter. Witnesses: Hoey and Kennicott. Chemist, L. Doggett.
- 9030—Eagle Tea Store, Chas. J. Nelson, prop., 667 W. Chicago Ave., Chicago. Sample purchased Dec. 10, 1906, for "dairy butter." Analysis shows—Process butter, colored. Witnesses: Hoey & Kennicott. Chemist: L. Doggett.
- 9010—National Tea Co., Geo. Rasmussen, pres., 769 Armitage Ave., Chicago. Sample purchased Nov. 3, 1906, for "butter." Analysis shows—Process butter. Witnesses: Hoey and Kennicott. Chemist, T. J. Bryan.
- 9013—National Tea Co., Geo. Rasmussen, pres., 1145 Armitage Ave., Chicago. Sample purchased Dec. 4, 1906, for "butter." Analysis shows—Process butter. Witnesses: Kennicott and Hoey. Chemist, T. J. Bryan.
- 9026—National Tea Co., Geo. Rasmussen, pres., 451 W. Chicago Ave., Chicago. Sample purchased Dec. 10, 1906, for "butter." Analysis shows—Process butter, colored. Chemist, L. Doggett. Witnesses: Hoey and Kennicott.
- 9002—National Tea Co., Geo. Rasmussen, pres., 1632 Milwaukee Ave., Chicago. Sample purchased Nov. 30, 1906, for "butter." Analysis shows—Renovated butter. Witnesses: Hoey and Kennicott. Chemist, T. J. Bryan.
- 9027—Baskind Bros., 509 W. Chicago Ave., Chicago. Sample purchased for "butter," Dec. 10, 1906. Analysis shows—Process butter. Witnesses: Hoey & Kennicott. Chemist, L. Doggett.

## LIST OF CASES IN COOK COUNTY.

## "Process Butter."

Card No.

- 9042—J. Bendorf, Jacob Bendorf, prop., 3510 Vincennes Ave., Chicago. Sample purchased Dec.

Card No.



F—519—Keenan Bros., 41 Peck Place, Chicago. Sample purchased Oct. 15, 1906, for "pure cream of tartar." Analysis shows—"Sulphate present." "Corn starch." Witnesses: H. E. Schuknecht and J. L. McLaughlin. Chemist, L. Doggett.

8944—N. C. Eisendrath, 213 Erie St., Chicago. Sample purchased Oct. 12, 1906, for "pure apple cider vinegar." Analysis shows—Cider vinegar low in acid. Acetic acid, 3.57 per cent. Witnesses: F. Hoey and Chas. Kjellquist. Chemist, L. Doggett.

8953—A. Cordan, 206 Wells St., Chicago. Sample purchased Oct. 12, 1906, for "strawberry preserves." Analysis shows—"Some glucose and colored." Witnesses: Hoey and Kjellquist. Chemist, L. Doggett.

E1030—E. N. Manning Co., 635 Clybourn Ave., Chicago. Sample purchased Oct. 19, 1906, for "Lemon Extract." Analysis shows—No oil of lemon, di-nitro cresol coloring. Witnesses: Kennicott & Hoey. Chemist, L. Doggett.

8936—Victor Kaufman, 70 N. Clark St., Chicago. Sample purchased Oct. 12, 1906, for "pepper." Analysis shows—"Ash, 9.47; olive stones and stems." Witnesses, Hoey and Kjellquist. Chemist, L. Doggett.

E1015, A8852, E1008—J. P. Dieter Co., 60 Waldo Place, Chicago, sold to Franklin Co., 1615 Benson Ave., Evanston, 10, 4, '06.

Inspectors Frank Hoey, C. H. Kjellquist and Harrison Kennicott are the inspectors who procured the samples Assistant States Attorney James P. Harrold of the States Attorney's office and J. C. Eagleton of the Food Department have charge of the prosecutions.

## STANDARDS CLAUSE AGAIN RULED OUT.

### State, County or Municipal Officials Prohibited from Acting as Paid Government Officials.

Full Report of the Proceedings of the House of Representatives reproduced from the Congressional Record of January 29, 1907, showing the disposition of the Standards Clause, again re-inserted in the Agricultural Appropriation Bill.

In the same debate Congressman James A. Tawney, Representative from the First District of Minnesota, and Chairman of the House Appropriations Committee, introduced an amendment to Agricultural Appropriation Bill prohibiting any state, county or municipal dairy, food or health official from acting as a paid government official while in the employ of the state, county or municipal government.

The Clerk read as follows:

#### BUREAU OF CHEMISTRY.

Salaries, Bureau of Chemistry: One chemist, who shall be chief of Bureau, \$4,500; one chief clerk, \$1,600; one clerk, class 4, \$1,800; two clerks, class 3, \$3,200; four clerks, class 2, \$5,600; one property clerk, \$1,600; seven clerks, class 1, \$8,400; five clerks, at \$1,000 each, \$5,000; one library clerk, \$900; one assistant property custodian, \$900; six clerks, at \$900 each, \$5,400; one engineer, \$1,200; two messengers, at \$840 each, \$1,680; three skilled laborers, at \$720 each, \$2,160; one skilled laborer, \$600; one fireman, \$600; three messengers or laborers, at \$480 each, \$1,440; two messengers or laborers, at \$420 each, \$840; in all, \$47,420.

Mr. Mondell: I move to strike out the last word.

Mr. Macon: I make the point of order on line 25 and pages 42 and 43. There is an increase of salary there of \$1,000.

Mr. Wadsworth: I admit the point of order is good. The point of order strikes out the salary of the Chief of the Bureau of Chemistry, and now I move to insert these words: One chemist, who shall be Chief of Bureau, \$3,500.

The Chairman: The Chair sustains the point of order.

The Clerk read as follows:

Amend by inserting the words: "One chemist, who shall be Chief of Bureau, \$3,500."

Mr. Mann: Mr. Chairman, I very much regret that the gentleman from Arkansas thought it his duty to make the point of order. Of course this salary relates to Doctor Wiley, Chief of the Bureau of Chemistry, who under this bill receives an appropriation practically of half a million of dollars for the enforcement of the pure food law, having already received an appropriation of \$250,000 in the beginning of the year. He has very onerous duties connected with that office, justifying an increase of his salary of \$1,000 or even more. Of course if the point of order is made, it is undoubtedly good.

Mr. Macon: Mr. Chairman, in response to what the gentleman from Illinois has said out of order, I will say, with the indulgence of the House, out of order, that I apprehend that

this gentleman, whose salary is proposed to be increased, should be given the same assistance, by the way, that all these other employes who help him out in his work will be given.

Mr. Mann: That is undoubtedly true; but I think this is very largely his work.

Mr. Macon: Again, sir, I am opposed to this manner of raising salaries.

Mr. Mann: I do not criticize that by any means.

Mr. Macon: I see with every appropriation bill there come these increases by degrees in the salaries of the various employes of this government. There is no telling to what extent it will be carried, and I for one will never give my consent to it as long as I am able to rise in my place and object.

The Chairman: The question is on the amendment offered by the gentleman from New York.

The question was taken; and the amendment was agreed to.

The Chairman: The Clerk will read.

The Clerk read as follows:

Laboratory, Department of Agriculture: General expenses, Bureau of Chemistry: Chemical apparatus, chemicals, laboratory fixtures and supplies, repairs to engine and apparatus, gas and electric current, purchase of all necessary office fixtures, supplies, and necessary expenses in conducting investigations in this Bureau, including actual and necessary traveling and other expenses, telegraph and telephone services, for express and freight charges, labor and expert work in such investigations, in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; to continue the collaboration with other bureaus and divisions of the Department during chemical investigations and to collaborate with other Departments of the Government whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work; for the employment of additional assistants and chemists, when necessary, and for the rent of buildings occupied by the Bureau of Chemistry; to investigate the composition, adulteration, and false labeling or false branding of foods, drugs, beverages, condiments, and ingredients of such articles, when deemed by the Secretary of Agriculture advisable, and also the effect of cold storage upon the healthfulness of foods; to enable the Secretary of Agriculture to investigate the character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the principles which should guide their use, and to publish the results of such investigations when thought advisable: Provided, That before any adverse publication is made, notice shall be given to the owner or manufacturer of the articles in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture, or his representative, either in person or by agent, concerning the suitability of such articles for food, or as to false labeling or branding; to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods



of analysis in foreign countries; to enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to ascertain the purity of food products and determine what are regarded as adulterations therein, and to establish standards therefor. To investigate, in collaboration with the Bureau of Animal Industry, the chemistry of dairy products and of adulterants used therein, and of the adulterated products; to determine the composition of process, renovated, or adulterated and other treated butters, and other chemical studies relating to dairy products, and to make all analyses of samples required for the execution of the law regulating the manufacture of process, renovated, or adulterated butters. To study, in collaboration with the Weather Bureau, the Bureau of Plant Industry, and agricultural experiment stations, the influence of environment upon the chemical composition of wheat and other cereals, with especial reference to the variation in the content of gluten, and the suitability of barley for brewing and other purposes. To investigate the chemical composition of sugar and starch producing plants in the United States and its possessions, and, in collaboration with the Weather Bureau, the Bureau of Plant Industry, and agricultural experiment stations, to study the effects of environment upon the chemical composition of sugar and starch producing plants. For all necessary expenses to carry into effect the provisions of the act of Congress of June 30, 1906, entitled "An act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for other purposes," including rent and the employment of labor in the city of Washington and elsewhere. Employing such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purposes named. And the employees of the Bureau of Chemistry outside the city of Washington may, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leaves of absence not to exceed fifteen days in any one year, which leave may, in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year. \$650,000.

Mr. Bartlett: Mr. Chairman, I raise the point of order against the words on page 45, line 18, "and to establish standards therefor." I raise the point of order that there is no law to authorize the Secretary of Agriculture to establish a standard.

Mr. Crumpacker: Mr. Chairman, I desire also to make some points of order.

The Chairman: The gentleman from Georgia will have an opportunity to discuss his points of order later. The Chair will entertain his point of order.

Mr. Bartlett: Does the Chair not desire to hear from me on the point of order that I raised?

The Chairman: Not at present.

Mr. Crumpacker: Mr. Chairman, I desire to make a point of order against that portion of the paragraph beginning with the word "proof," in line 18, page 44, and including all the balance of that page and down to and including the word "branding," in line 4, page 45; also, another point of order to that part of the paragraph beginning after the word "countries," in line 14, page 45, down to and including the word "therefore," in line 19, page 45. The last clause also embraces the language objected to or against which a point of order was made by the gentleman from Georgia (Mr. Bartlett). Mr. Chairman, I think there is no doubt that both of these provisions are subject to a point of order.

The Chairman: Does the chairman of the committee desire to be heard?

Mr. Wadsworth: Mr. Chairman, I am very fast reaching that point where all points of order look alike to me. (Laughter.) Both of these points of order made by the gentleman from Indiana are to language referring to matter that was in the bill last year. That is all I can say about it. If that does not make it law, then they are subject to a point of order.

Mr. Mann: Mr. Chairman, I suggest that the pure food law covers all of this question.

Mr. Crumpacker: Except, Mr. Chairman, that it does not. I have the pure food law before me, and I am basing my points of order largely upon that law.

Mr. Mann: Perhaps the gentleman has not examined the pure food law very carefully.

Mr. Crumpacker: Mr. Chairman, the first provision to which the point of order is made provides an appropriation to enable, among other things, the Secretary of Agriculture to investigate the character of preservatives, coloring matter, and other substances added to food, to determine their relation to digestion and to health and establish the principles which should guide their use, and to publish the results of such investigation when thought advisable, provided that before any adverse publication is made notice shall be given to the owner or manufacturer of the articles in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture or his representative, either in person or by agent, concerning the suitability of

such articles for food, as to false labeling or branding, and to publish the result of such investigation.

Mr. Chairman, that is clearly new legislation. It is true that provision was incorporated in the agricultural appropriation bill that was enacted at the last session of this Congress.

Mr. Wadsworth: And the year before that, too.

Mr. Crumpacker: And probably the year before that, too, but it is coupled with an appropriation. The appropriation is to enable the Secretary of Agriculture to do certain enumerated things, so there is no room for doubt that it was for the fiscal year only for which the appropriation was made. There is no general legislation authorizing this kind of an investigation, nor the publications provided in this bill, nor the uses for which the investigations shall be made. The pure food law, on the other hand, defines expressly what foods and drugs shall be considered adulterated, defines expressly what articles shall be considered misbranded, and the fourth section of that law provides for investigations not exactly of this character, but provides for investigations and publication of results. This is the section:

That the examination of specimens of foods and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture under the direction and supervision of such Bureau, for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this act; and if it shall appear from such examination that any such specimen is adulterated or misbranded within the meaning of this act the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it shall appear that any of the provisions of this act shall have been violated by such party then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the result of the analysis or examination of such article, duly authenticated by the analyst making such examination under oath of such officer. After judgment of the court notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid.

That is a radically different provision from the provision under consideration. It authorizes an investigation for the purpose of determining whether the product is adulterated or misbranded within the meaning of the pure food law, and if the Secretary of Agriculture should conclude that to be the case, notice shall be given to the party from whom the sample was obtained, and he shall be entitled to a hearing, and then the Secretary of Agriculture must certify the result of his investigation to the Department of Justice, and notice of the result shall not be published until after judgment of the court. The provision in this bill authorizes the chief chemist to make the investigation, not for the purpose of determining whether the article is adulterated or misbranded within the meaning of the pure food law, but for the purpose of determining whether it is adulterated for one purpose and another, whether the product is suitable for food or medicine. The notice provided in the paragraph under consideration may be given after an investigation before the Secretary of Agriculture or some agent of his, and it is a dangerous power to put in the hands of a Department officer, I insist, Mr. Chairman. It is a provision that the Congress declined to incorporate in the pure food law when the question of pure foods and their investigation was up and thoroughly and exhaustively considered. Provisions of that character were proposed and rejected. I have no doubt that it is subject to the point of order.

Mr. McCall: May I ask the gentleman a question?

The Chairman: Does the gentleman yield?

Mr. Crumpacker: I yield to the gentleman from Massachusetts.

Mr. McCall: As I understand, the effect of this provision is to lodge the review in the Secretary of Agriculture, who made the original examination?

Mr. Crumpacker: Yes.

Mr. McCall: And that the pure food law contemplated a judicial review in court?

Mr. Crumpacker: The pure food law provides expressly for a review in court before any publication shall be made.

Mr. McCall: And the object, then, of this act is to allow the Secretary of Agriculture, or possibly his agent, Doctor Wiley, to sit in a review upon his own decision and oust the court of the jurisdiction conferred upon it by the pure food law.

Mr. Crumpacker: That is doubtless the purpose of it, and it in effect repeals, during the next fiscal year, the pure food law to that extent. Now, Mr. Chairman, in relation to the next question of order respecting the paragraph:

To enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to ascertain the



purity of food products and determine what are regarded as adulterations therein, and to establish standards therefor.

That provision is not contained in any law. It was substantially incorporated in the pure food law as it passed the House, as I remember, during the last session of Congress. It went to the Senate, and then in conference, after full and careful investigation, the whole provision was eliminated from that bill. There is no authority that authorizes the Secretary of Agriculture in collaboration with the Association of Official Agricultural Chemists or other experts to ascertain the purity of food products and determine what are regarded as adulterations therein, and to establish standards therefor. That provision, as far as I know, is not contained in any general statute, and it was not even in the agricultural appropriation bill of last year.

Mr. Wadsworth: Yes, it was.

Mr. Crumpacker: I qualify my statement by saying it was not in the agricultural appropriation bill last year as it is incorporated in this appropriation bill.

Mr. Wadsworth: All except the last few words "and to establish standards therefor."

Mr. Crumpacker: The clause "and to establish standards therefor" was not even in the agricultural appropriation bill of last year, and the whole clause—the whole appropriation—is so interconnected that if any part is subject to the point of order it must all go out. I think there can be no question that both of these provisions are subject to the point of order, and the one I am discussing now embraces the language to which the gentleman from Georgia made his point of order a moment ago.

The Chairman: The Chair will hear the gentleman from Georgia.

Mr. Bartlett: Mr. Chairman, I agree with the gentleman from Indiana, and think that the portions of the bill to which he has called attention are subject to the point of order. I did not make it myself, because I was content to allow these provisions to go, except the one to which I have called the attention of the Chair and as to which I raise the point of order, and that is that portion which permits the Secretary of Agriculture "to establish standards of food." I do not think that anyone, the chairman of the committee or any member of the committee having in charge this bill, will dispute the fact that this provision is clearly subject to the point of order. You will recall that during the consideration prior to its passage of what is alleged to be the "pure food bill" at the last session the effort was made to enact into law a provision giving the right to the Secretary of Agriculture, in connection with certain other gentlemen known as "the Association of Official Agricultural Chemists," to establish standards of food, and as the bill passed the House it contained such a provision, but the Senate struck it out, and the bill as agreed to in conference did not contain such a provision. I do not desire to discuss the point of order simply for the purpose of being heard. I am satisfied that if the Chair will recall the fact with reference to the law on the subject of authorizing the Secretary of Agriculture to establish standards that he will have no hesitancy in sustaining the point of order. I am satisfied that the gentleman from New York who is in charge of this bill will readily agree that this part of it is subject to the point of order, so clearly so that the Chair ought not to have any doubt about it.

I started to repeat the history of the legislation in reference to the pure food bill, when I was interrupted, and to state that the bill passed by the House as a substitute for the Senate bill did have a provision in which it permitted and required the Secretary of Agriculture, in connection with the Association of Official Chemists, to establish food standards; but when that bill went back to the Senate the Senate refused to agree to that part as an amendment to its bill, and the bill went to conference on a disagreement between the two Houses, and the conferees, in the report they made, struck out all the provision in the bill as it passed the House permitting or requiring or authorizing the Secretary of Agriculture to establish standards for food products. So that we have no law upon the statute books authorizing this appropriation, and no one, I apprehend, is more familiar with that than the gentleman from Illinois (Mr. Mann). We have no law, as I understand it, authorizing the Secretary of Agriculture to establish standards, and therefore an appropriation therefor is not authorized; nor can we enact such new legislation on this appropriation bill under the rules of the House. In my judgment this provision is clearly subject to the point of order I have made.

Mr. Mann: As to the point of order on the first paragraph, made by the gentleman from Indiana (Mr. Crumpacker), it seems to me that he is in error. The provision in the bill

is to enable the Secretary of Agriculture "to investigate the character of food preservatives, coloring matter, and other substances added to food, to determine their relation to digestion and to health." Now, the pure food law provides that a food is adulterated if it contains any added poisonous or other added deleterious ingredient which renders such article injurious to health, and puts upon the Secretary of Agriculture the duty of determining in the first instance whether that provision of the law is violated.

The Chairman: Will the gentleman point out to the Chair where that is to be found?

Mr. Mann: I read it from the bill in the first instance. I read it from the pure food law, section 7, fifth under the head of "Adulteration of foods." That clearly contemplates that the Secretary of Agriculture shall determine whether a preservative, coloring matter, or other substances added to food is poisonous or deleterious to health, and, if he shall determine that, it is certainly in order for Congress to provide the means by which he shall determine it. I do not regard that the matter is of very great importance, because I understand this bill carries an appropriation for the enforcement of the pure food law. Will the gentleman from New York (Mr. Wadsworth), the chairman of the committee, inform us whether this item carries an appropriation of \$500,000 for that purpose?

Mr. Tawney: Five hundred and four thousand dollars.

Mr. Mann: Does this item include the sum of \$500,000 for the enforcement of the pure food law?

Mr. Wadsworth: It does.

Mr. Mann: The sum that is appropriated here?

Mr. Wadsworth: Yes.

Mr. Mann: While, Mr. Chairman, it is clear to me that the first item objected to by the gentleman from Indiana is clearly covered by the pure food law, the second item probably is not.

The Chairman: The Chair would like to ask the opinion of the gentleman from Illinois (Mr. Mann) as to these words, beginning in line 21, page 44, "to establish the principles which should guide their use, and to publish the result of such investigations when thought advisable," down to the proviso?

Mr. Mann: "To establish the principles which guide their use" is a question which depends on the matter being deleterious to health. It may be that the matter is deleterious to health if used in large quantities. It may be that an added substance would not be deleterious to health if used in small quantities, and the Secretary of Agriculture is called upon to determine that under the pure food law. As to that part of it which reads, "to publish the results of such investigations when thought advisable," I understand that the Secretary of Agriculture has the authority now, under the printing act, to publish the results of investigations made by his department, in limited numbers. This merely provides a sum of money with which to do it. The authority to print is already conferred on the Department of Agriculture.

The Chairman: Then as to the proviso. Will the gentleman give the Chair his opinion as to that? Is there anything new there?

Mr. Mann: That is covered practically by the pure food law in almost the same language. As to the second provision, where they propose to establish standards, I think there is no doubt that is subject to the point of order.

Mr. Crumpacker: Mr. Chairman, in relation to the first provision, it clearly contains new legislation. It authorizes things which the law does not now authorize. "To establish the principles which should guide their use" means to guide what use? The use of food. Then "and to publish the results of such investigations when thought advisable" provides a totally different scheme of publication from that contained in the pure food bill. That bill provides that publications shall not be made until after the judgment of the court, and I think it is so clear that no more time need be occupied in its discussion.

Mr. Mann: I beg the gentleman's pardon. There is nothing in the pure food bill prohibiting the publication prior to the judgment of the court. The pure food bill provides that the judgment of the court shall be published.

Mr. Crumpacker: It provides that the conclusion of the Bureau of Chemistry shall be published after judgment of the court. Not the judgment of the court is to be published, but the conclusion of the Bureau of Chemistry; and this provision authorizes the publication of the conclusion of the Bureau of Chemistry after the Department of Agriculture has decided the question on a kind of *ex parte* hearing, the kind of hearing that is had by department officers.

It is so clear I do not feel justified in arguing the matter further.



The Chairman: The Chair is unable to find anything in the pure food law that goes to the extent of the ground covered by this proviso. The proviso is very broad:

That before any adverse publication is made notice shall be given to the owner or manufacturer of the article in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture or his representative, either in person or by agent, concerning the suitability of such articles for food, or as to false labeling or branding.

It will be necessary that these words should appear verbatim in order that the point of order would not lie that it was new legislation. The only language that the Chair can find in the pure food law is—

If it shall appear from any such examination that any such specimen is adulterated or misbranded within the meaning of this act, the Secretary of Agriculture shall cause notice to be given to the party from whom said sample was obtained, and that the party so notified shall be given an opportunity to be heard under such rules and regulations as may be prescribed, etc., and if it appear that the provisions of this act have been violated by such party, then the Secretary of Agriculture shall at once certify the fact to the proper United States district attorney, etc.

That is a very different provision from this.

Mr. Mann: That is the provision which I had reference to; and if the Chair does not think that covers it, that settles the matter.

The Chairman: The Chair sustains the point of order.

Mr. Crumpacker: As to the other point of order?

The Chairman: The point of order was made on the whole paragraph.

Mr. Crumpacker: Then, in relation to the other point of order, I think it is conceded—that is, beginning on line 14, page 45.

The Chairman: It seems there can be no question about that being subject to the point of order; and the Chair sustains the point of order.

#### The Tawney Amendment:

Mr. Tawney: Mr. Chairman, I offer the following amendment, at the end of line 5, page 47.

The Clerk read as follows:

After line 5, page 47, insert.

"Provided, That no part of this sum shall be used for the payment of compensation or expenses of any officer or other person employed by any State, county or municipal government."

Mr. Tawney: Now, Mr. Chairman, the purpose of this amendment is to keep separate and distinct the administration of our national pure food law and the administration and enforcement of our state pure food laws. Under the national pure food law the Secretary of Agriculture has unlimited power. He has unlimited discretion in the matter of its enforcement, subject only to the power of Congress through its appropriations to control the general policy he shall pursue in the execution of this law. When before the Committee on Appropriations in support of an estimate of \$250,000 to begin the work of organizing for the enforcement of this law, the Secretary of Agriculture informed the committee that it was his purpose to employ state inspectors; to employ officers of the state for the enforcement of the federal pure food law. It is for Congress, therefore, to say whether it shall be the policy of the federal government to enter into copartnership with the states in the enforcement of this law or pursue an independent policy. How careful have the states been to keep out of the administration of their domestic affairs the influence of the federal government!

Almost every state constitution contains a provision making ineligible any citizen of the state from holding any elective or appointive office in the state who fills or occupies a federal office. It has always been the policy of the people of the states to keep separate and distinct from federal administration the conduct of their domestic affairs; and for the same reason the federal government should keep separate and distinct the administration of its affairs and the enforcement of its laws from the influence of the state. Without this it will be only a very short time before the federal government will be enforcing every state pure food law in the Union, and we will never know what it is costing the general government to enforce the national pure food law. But, Mr. Chairman, there is another reason for opposing the employment of the states' agents in the enforcement of this law. I believe it is absolutely essential for the efficient enforcement of our national pure food legislation. We can not depend upon state inspectors for the enforcement of this law. Their acquaintance with and the influence of local friends will in many cases result in their overlooking infractions of this law which would otherwise be reported and result in prosecutions and convictions.

I do not believe, Mr. Chairman, that it is good policy or

good administration for us to mingle the enforcement of our national pure food law with our state pure food legislation.

When before the Committee on Appropriations, Doctor Bigelow and the Secretary were interrogated as to their plan for executing this law. Realizing that we are just about to embark upon an entirely new federal service, the Committee on Appropriations desired some information as to the plan the department proposed to follow in the execution of this law, because we knew that under the law the Secretary of Agriculture has absolute and limitless discretion in the policy he may pursue in the enforcement of the law. Doctor Bigelow said:

It is intended to collaborate with the authorities of the States, to work with them, and to take the cases that come from outside States.

Now, collaboration and a copartnership between the state and federal government in the matter of enforcing state and federal legislation, is an entirely different proposition. It is a copartnership that the Secretary of Agriculture proposes with the states to enforce this national pure food legislation, not collaboration, as he says. I read further from the statement of Doctor Bigelow:

Mr. Tawney. To deal with the cases that arise from the sale of food products in violation of this law which have been manufactured in other States and shipped into the State?

Doctor Bigelow. Yes, sir.

Mr. Tawney. How do you propose under your policy to cooperate with the States? Have you worked out any line of demarkation between the expenses for this co-operation—what expenses shall be borne by the Federal Government and what expenses shall be borne by the States?

Doctor Bigelow. Just how that shall be worked out has not been planned, but some employees—

Some employees, mark you—

will probably be paid in common, and paid a per diem when on the work with the Department of Agriculture, or possibly some employees working as inspectors within the same State will be on our roll and some chemists will be on our roll. At any rate, it is not proposed that any of the employees of this Department shall be paid for time when working on matters of the State.

Mr. Tawney. Have you thought of this: Would it be feasible to require the States or their agents to furnish the Federal authorities information regarding any violations of the Federal law that might come to their attention in the enforcement of the State law?

Doctor Bigelow. That is what they are anxious to do. They are all anxious to do that. They are anxious to omit the prosecution of a citizen of the State who might be protected by a guaranty from the manufacturer, provided the Federal Government would take up the same case and follow it to the manufacturer.

Now, Mr. Chairman, I submit to the committee that inasmuch as we are just beginning to appropriate money for the enforcement of this new pure food law, creating a new service, that Congress should exercise its right and its power in respect to the policy, or rather in respect to keeping separate and distinct from state administration the administration of our federal pure food law. I hope that this amendment will be adopted.

Mr. Wadsworth: Mr. Chairman, I hope the amendment will not be adopted, because I think it will increase the expense of enforcing the pure-food law very materially. In the hearings we had touching this subject we had Doctor Wiley before us, and I will just quote from the hearing to show how he proposes to work in collaboration with the state chemists:

Doctor Wiley. Now, we want a large part of this money for the States. We think we would like to spend an average of \$10,000 in each State of this sum. The Secretary and I talked it over, and we think that would be a pretty fair start. Some of the States will not require that much, but some will, and quite a number of them will want more, and we think an average of \$10,000 will be right, making \$460,000, the sum that we ask for.

The Chairman. Take a State as an example, and tell us how you propose to organize it; take any State that you have in your own mind.

Doctor Wiley. Let me take the State of Indiana, which is the one that I am best acquainted with, being a native of that State.

The Chairman. Very well.

Doctor Wiley. Our idea would be to have Mr. Barnard, the chief chemist in Indiana, take this examination.

He refers to the civil service examination.

He is perfectly competent to do this, and we would like to have anybody else who is an executive officer who would like to have it take the examination.

The Chairman. Who is Mr. Barnard?

Doctor Wiley. He is the State chemist of Indiana and does the work in the execution of the State law. Let him qualify, and then we will pay him \$8 or \$10 a day for the time that he works for us; we will arrange with the State authorities to let him do so. We say to Mr. Barnard, "Here is a case that we want you to examine. You make this examination for us." He will work three or four days for us, and then he will send in a monthly bill stating the time that he has worked. In that way I expect to get in touch with every State.

The Chairman. You think it would be preferable to pay him by the day for the work done, or a stated salary by the year?

Doctor Wiley. No; by the day. We could not pay a stated salary for the year unless we took his whole time.

The Chairman. How much would you pay him?

Doctor Wiley. I would pay a man like Barnard \$10 a day.



The Chairman. For the entire day?

Doctor Wiley. The entire day. He would make a statement of the number of days that he worked. He is a man of high character. Some others I would pay \$5 or \$6. If I could get a man like Winton, of Connecticut, I would be willing to pay him \$20 a day, and he would earn every cent of it.

Now, take that case. Assume that the violation of the law is in Indiana. If he did not employ Mr. Barnard, he would have to send a man from here at the cost of the government, pay him full time, and probably cover a lot of ground that had already been covered by the state chemist. I oppose the amendment simply on the ground that I think it would almost double the expense of enforcing the pure food law.

Mr. Tawney: I will ask the gentleman whether he thinks the expense of administering this national pure food law by federal officials would exceed the expense of administering, at the expense of the federal government, the federal national pure food law and the state pure food laws combined?

Mr. Wadsworth: No; I do not.

Mr. Tawney: Then the expense is in favor of my amendment.

Mr. Wadsworth: But I say under the limitations put upon the provision by the gentleman from Minnesota (Mr. Tawney) I think he will double the national expense, because necessarily a lot of this work, as I said before, has already been gone over by the state chemists in the enforcement of the pure food laws of the several states. Why go over again with a national chemist?

Mr. Crumpacker: I want to ask the gentleman a question as a lawyer.

Mr. Wadsworth: But I am a farmer.

Mr. Crumpacker: It does not make any difference; the gentleman knows the law. Here is a suggestion: The thought came to me that the proposition to have certain administrative officers engaged in the enforcement of the pure food law, to be under the employment and the authority of the officials of the national government and of the state government both might lead to serious complications. Now, who is the master? Who will prosecute for violations of duty or of the law? Would it be the federal government or the state government?

Mr. Wadsworth: Does the gentleman mean for any violation of law by the chemist?

Mr. Crumpacker: Yes; in the enforcement of the pure food law, the gentleman says, they shall co-operate with state officers. Now, we have a naturalization law in which we require certain state officers to perform certain official functions, and it is a serious problem among lawyers as to whether the federal government would be authorized to prosecute a state officer, and thereby embarrass to that extent state administration, while he is discharging the federal functions, for a failure to perform that duty as the law required. It seems to me that the objection from a legal standpoint and from the standpoint of the science of government made by the gentleman from Minnesota (Mr. Tawney) is tenable. We are to have public officers discharging very important duties under two distinct and independent governments. To which are they responsible? To which shall they answer criminally? Which shall have the paramount control?

Mr. Wadsworth: You will notice that it is proposed to ask them, and they can not act without they do it, to take the civil service examinations, and then they are in the service of the national government.

Mr. Crumpacker: Then if they should violate the law of the state the state could not reach them by its criminal laws, and the state would have secondary control.

Mr. Wadsworth: No; because they are joint servants. They are servants of the state and of the national government as well.

Mr. Crumpacker: There is the complication that I can see might possibly arise. It is an objection that would occur to a lawyer, perhaps, and not to a practical business man.

Mr. Hull: If a man were acting under the control of the Secretary of Agriculture and is criminally negligent, would there be any question as to who would have control in that case?

Mr. Crumpacker: No.

Mr. Hull: Then if he has finished with that act and is acting under the state on another line, what would be the difficulty?

Mr. Crumpacker: If you could separate the functions, certainly it would be all right.

Mr. Mann: Mr. Chairman, I should dislike very much to see the whole theory of the pure food law reversed because of an amendment adopted here under the five-minute rule without more mature consideration. From the beginning, from the first bringing in of the pure food bill, in the report which

was made upon that bill, in the statements which were made when the bill as before the House, it has been announced openly and publicly all of the time that it as the expectation that the national pure food law would be carried into execution in connection with the state officials. Here is the situation. An official finds an adulterated article in a drug store or a grocery store. It may be something made within the state. The grocer or the druggist holds a guaranty from the manufacturer. If it is within the state wholly, the state officials must enforce it, but the article may be something made in another state. The druggist or the grocer holds a guaranty from a manufacturer in another state. In that case the prosecution will be, must be, not by the state authorities, but by the national authorities against the manufacturer in the other state. Why should we have two sets of officials to examine the articles in the same grocery store, in the same drug store, in order to determine whether they shall be prosecuted by the state or the national authorities?

Mr. Tawney: I would answer the gentleman by way of—

Mr. Mann: But I did not ask the gentleman to answer me.

Mr. Tawney: But the gentleman has asked a question—because we have two laws, two distinct jurisdictions, one federal and the other state, and each jurisdiction should enforce the observance of its own law.

Mr. Mann: And each jurisdiction proposes to enforce the observance of its own law; but the gentleman, who ought to stand for economy, who complained to me a short time ago because the pure food law perhaps will cost more than he thought it would, will find that if his amendment is adopted it will cost ten times what it is proposed to cost, and what it will cost otherwise if the state officials are obtained to help in its enforcement.

Mr. Tawney: On what basis does the gentleman judge to-day that the citizens of the United States all over this country are going to violate this law? Do you have inspectors for the enforcement of other laws which are passed by Congress?

Mr. Mann: We have a great many inspectors for the enforcement of laws. We have plenty of inspectors in the internal revenue to-day costing a good deal more than the sum appropriated here. For what? To have the law observed. And there will be more chance of violating the pure food law in one day than there is to violate the internal revenue law in a month's time. The pure food law extends throughout the entire United States. There must be some kind of an inspection everywhere, and the proper persons to inspect are the local and state officials. Every state has a pure food or health office, and why should the general government send men there in addition to the local health and pure food inspector? Why not permit him to report the results of his inspection to the national department and let the national office examine these alleged violations of the law?

Mr. Olmsted: I do not wish to interrupt the gentleman's argument, and I have not heard the amendment, but I simply wanted to offer one suggestion in the line of the gentleman's remarks, and that is that the constitution of Pennsylvania would make it impossible for anyone in the employ of the state and receiving a salary or fees to act on behalf of the federal government. Our constitution makes a person holding an office under one government ineligible to place under the other.

Mr. Tawney: Every state constitution contains the same provision.

Mr. Mann: Fortunately the state of Pennsylvania has a very good food law and it is well enforced. Now, of course, if this can not be done by the state officials it will not be done. That is a sufficient answer to that proposition, but here is the position. In the city of New York, in the city of Cincinnati, in the city of St. Louis, and many other cities at present are laboratories for the examination of these articles that are alleged to be adulterated. Why can not the national government pay the people in charge of those laboratories for the examination of the articles which are alleged to be adulterated in interstate commerce instead of setting up a new laboratory side by side? What is the reason for duplicating the work?

Mr. Tawney: That is exactly what is proposed by the Department of Agriculture.

Mr. Mann: Oh, I beg the gentleman's pardon.

Mr. Tawney: It is the duplicating of laboratories. There are five or six laboratories estimated here in the interior of this country—

Mr. Mann: I beg the gentleman's pardon, it is proposed under this bill to establish a number of new national laboratories, but it is not proposed to establish laboratories in every city in the country where there is one now and—



Mr. Tawney: I can name one where it is proposed to establish a government laboratory where there is a state laboratory.

The Chairman: The time of the gentleman has expired.

Mr. Mann: I ask unanimous consent to proceed for five minutes.

The Chairman: The gentleman from Illinois asks unanimous consent to proceed for five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. Driscoll: I would like to know if it is the intention of the gentleman or does he expect the department to have practically all its work done by the state where it may be done locally by the state officer?

Mr. Mann: I understand this is the proposition of the department, that they will employ probably forty, or such matter, of general inspectors, as far as possible scattered throughout the country. Originally they said one for each state, but it is perfectly manifest that some states do not need an inspector for the state and other states will need more than one; but say there are thirty or forty inspectors, at a salary of \$2,000 a year each, which, with traveling expenses—for the inspectors will be on the road most of the time—would probably amount to the sum of \$5,000 a year to an inspector. In addition to that, the department expects to use three or four or five additional laboratories to the ones which they now have and to employ chemists, at a salary of \$3,000, or such matter, to be in charge of those laboratories, and in addition to that, they have expected to collaborate with the state and local officials in obtaining information in relation to the violation of the law, and where information was furnished to pay them.

The gentleman says that this can not be done. The gentleman forgets that to-day the United States government pays to the policeman who catches a deserter from the army or navy a certain amount of money, and he might well put in the army appropriation bill that no portion of this money shall be paid to any local official, which would bar the policeman from returning a deserter. But that is the proposition here. Nobody expects to put these men on a high-salaried pay roll.

Mr. Tawney: That is given as a reward to the police officers of the municipality or of the states. It is not paid as a salary or as compensation for services.

Mr. Mann: I do not care what he calls it. It is compensation.

Mr. Tawney: It is not employment by the Federal government.

Mr. Mann: Of course it is perfectly out of the question for the Federal government to obtain the services of the state officers and put them on the pay roll as full-fledged and full-priced officials. That could not be done, because they could not serve both all the time. But a great many of the pure-food inspectors are not engaged busily all the time, and why can not they serve the National government in those matters that relate to the duty of the National government, instead of our employing another inspector to work side by side with the state inspector? I do not know how many thousands, but there are thousands, probably, of inspectors connected with the state or with the local officials. Why should we duplicate all of these when, if we obtain their collaboration—their services so far as we need them—we can enforce the law with very small expense? I do not believe we could enforce the law for \$5,000,000 a year if we do it as the gentleman says.

Mr. Wadsworth: I simply want to call attention to the fact that in our experimental work in connection with the state experiment stations we do exactly this thing. We advance a little money for the work and we get the benefit of the work done at the experimental station, both in soil and in the climate of the state, and if the amendment offered by the gentleman from Minnesota (Mr. Towney) should be applied to all the provisions of the bill all that work would have to stop.

Mr. Mann: And, notwithstanding the state constitution of the states of Pennsylvania and of Minnesota and of other states, those officers in charge of the state experiment station used to get \$15,000 and now \$30,000 a year, and much of it they receive as salaries properly, notwithstanding the law and the constitution which the gentleman refers to.

Mr. Fitzgerald: Mr. Chairman, I hope this amendment will be adopted. In the state and city of New York there is a large force of men employed in the enforcement of the local pure food law. It is proposed by the Department of Agriculture to employ men, paid much larger salaries by the city and state, in work to be done for the Federal government, and as the gentleman from New York (Mr. Wadsworth) says, to have these men certify that they have spent entire days in the work of the Federal government. I have no doubt

that any men in the health department of the city of New York who would certify that they had spent entire days in the employ of the Federal government, and who accepted compensation for their services, would quickly find themselves out of the employment of the city. Men there are paid larger salaries than the Federal government pays. They have more to do each day than they can reasonably do in a day. They have sufficient to keep them busy, and if they properly perform their duties under the state law known as the "agricultural law," they will have no time to give to the Federal service. The enforcement of this law should be by a distinct and separate force. It will be very easy, and it would be proper, if the state or municipal authorities obtain evidence that a violation of the Federal law has taken place within its jurisdiction, to transmit that evidence to the Federal government without any additional compensation to the state or municipal officials from the Federal government. The desire of all of the men employed by the states and municipalities would be to seek opportunities to obtain part of the Federal appropriation in order to increase their compensation and to increase their compensation in that way for doing the very thing required of them by virtue of their employment by the states or municipalities. This appropriation should not be used to enlarge the compensation of the men employed by the states or the municipalities.

Mr. Cocks: I would like to say, for the benefit of the committee, that the plan proposed by the department seemed to the entire committee to be an entirely feasible and workable plan, notwithstanding the objections made by the gentlemen here.

Mr. Tawney: Mr. Chairman, the only objection that the gentleman from New York (Mr. Wadsworth) and the gentleman from Illinois (Mr. Mann) offers to this amendment is that it may result in increasing the cost of administering our Federal pure food law. I do not recall any of the discussions referred to by the gentleman from Illinois wherein he says it was claimed all along during the consideration of the pure food law that its enforcement was to be effected by a partnership with the several states of the union. I imagine that if that proposition had been made as the policy which the government of the United States was to follow in the enforcement of this law he would have had far more difficulty in securing the passage of the bill than he did have.

Now, Mr. Chairman, I maintain that it does not necessarily follow that if we keep separate and distinct under the control and jurisdiction of ourselves the enforcement of this pure food law that it would necessarily result in increasing the cost beyond the amount which will be required under the policy of a co-partnership with the states. If the policy of the Department of Agriculture is to be carried out, how long will it be before the states will discover that their inspectors, being paid from the Federal treasury for the enforcement of Federal law, must necessarily discover infractions or violations of state laws? How long will it be before they will cease to appropriate money for the payment of state inspectors, leaving the entire burden of the enforcement of the state pure food laws to rest upon the Federal government?

Mr. Littlefield: Is the gentleman from Minnesota aware of the fact that the government is now paying in many western states all the expense involved in enforcing the various state laws in connection with the regulation of diseases of cattle, annually aggregating an amount exceeding perhaps thousands of dollars every year?

Mr. Tawney: I am aware of the fact, and I am obliged to the gentleman for calling my attention to it.

Mr. Littlefield: It is so testified on oath before a committee:

Mr. Tawney: I was informed a few days ago by the member of Congress from Wyoming (Mr. Mondell) that before the Federal government, through its agents in the Department of Agriculture, came to the state of Wyoming and began the investigation of cattle, sheep, and hogs for the purpose of discovering diseases and eradicating them, the state of Wyoming had not only an efficient law on the subject, but also had a corps of inspectors who were enforcing that law; and to-day the state of Wyoming is not appropriating any money for local inspection, but is relying entirely upon the force of inspectors in that state employed by the Federal government and paid for out of the treasury of the United States.

So it will be, Mr. Chairman, with the enforcement of this pure food law. We are now starting a new service. We know—we all know—how difficult it is when we once embark upon the work of discharging the duties and performing the functions of a state government by encroaching upon the Federal treasury for the purpose of defraying the expense, we



all know how hard it is to get away from it. But I maintain that here and now is the time, in respect to the enforcement of this pure food legislation, for Congress to take its stand in favor of the Federal government performing its functions under the existing law and paying from its own treasury the entire expense. Then we will know what it is costing the people to enforce our national pure food legislation.

We will also at the same time give the states to understand that they must not look to the Federal government or expect it to perform and exercise rights which they reserved to themselves, and that they must provide and pay for that exercise out of their own treasury. (Applause.)

Mr. Chairman, I say that it is folly for any member of this House to say that it is necessary for the Federal government to go into any copartnership with the states in the enforcement of a Federal law simply because it is more economical to do it.

The Chairman: The time of the gentleman has expired.

Mr. Sullivan of Massachusetts: Mr. Chairman, I trust that the amendment offered by the gentleman from Minnesota will be adopted. I think it will not require any great amount of reflection on the part of the committee to see that unless it is adopted the enforcement of this law will require an increased expenditure by the National government and reduced expenditure by the state governments. We all know that the present trend of affairs is toward centralization of power, toward saddling duties which ought to be discharged by the state upon the National government, and putting upon the National government the financial burdens of the states. I think as soon as we create this mongrel office, part Federal and part state, that little by little the duties of the state official will diminish and little by little the duties of the Federal official will increase, and as a result the compensation will come more largely from the Federal treasury than from the state treasury. And let me repeat the suggestion of the gentleman from Indiana. To what sovereign would this new official owe allegiance? Would he owe it to the National government or to the state? Is it wise for the states to have in their midst officers who are paid partly from the National treasury and partly from the state treasury? How long would it be before such a system would lead to confusion in the administration of these two sets of laws, national and state? How long would it be before states would experience the baneful results of the pernicious activity of these Federal officials, paid from the Federal treasury, in the political affairs of the state? I think there is every reason, drawn from experience and from logic, in favor of the passage of this amendment. We were told recently in a public speech that if the states of this nation failed to act in the interest of their people the Federal government would extend the sweep of its arm and administer the functions of the states. The Federal officer who made that speech failed to tell us who would be the judges of the neglect of the states, and we must conclude that the self-appointed censors of state action will reside here in the city of Washington and be part of the reigning administration. I do not think that the gentlemen upon this side of the Chamber ought to lend themselves willingly to anything which adds to the powers of the Federal government by taking away some of the reserved powers of the state governments.

Now, there is every reason why in the administration of this law the officials should be kept apart. Their duties are distinct and they should be separate. The state official has the right to protect the state against contamination in its food supply from every source; not only from foods manufactured within the state and sold there, but from foods manufactured outside of the state and shipped therein for consumption. The duties of the Federal official are quite different from that. He has no right to supervise the sale of food in a state which is manufactured for use within that state, but his duty should be confined to the food which is prepared in the state for export beyond its boundary and the food which is manufactured outside of the state to ship into the state. The very fact that these two laws are different requires their administration by different officials and furnishes the strongest argument why the division between national and state authority should be maintained.

Let us look at the growth of the departments of this government for a moment, if we would measure the force of this sweep toward centralized power. Gentlemen who have been here for a long time will remember what little power, comparatively, was exercised by the Department of Agriculture a few years ago and what immense powers it enjoys to-day. Let us look at the new Department of Commerce and Labor and see how its clerks have grown and multiplied and its expenditures along with its clerks. That in itself should give

us pause, should warn us to check the tendency of bureaus and departments of the National government to encroach upon the powers of the states.

Some men may say this is only a small matter. Of course, it is always a small matter. It has always been in a small way that the liberties of the people have been taken from them. Never is it done by a single act or a single stroke or a single exercise of power, but silently, stealthily, and by small degrees, and if we allow this department to encroach upon the preserves of the states by small degrees, it will not be long before the last vestige of state rights will have disappeared, and disappeared, I am sorry to say, by sanction of the votes of the gentlemen who sit here as the representatives of the people of the states. (Applause.)

The Chairman: The question is on the amendment offered by the gentleman from Minnesota.

The question being taken, on a division (demanded by Mr. Williams) there were—ayes 65, noes 29.

Mr. Mann: Tellers, Mr. Chairman.

Tellers were refused, three members, not a sufficient number, rising in support of the demand.

Accordingly, the amendment was agreed to.

### THE LEGAL STATUS OF STANDARDS.

There has been much timid and hesitating speculation throughout the trade, since the federal food and drug law became operative, as to the exact legal status of the food standards promulgated by the United States Department of Agriculture collaborating with the Association of Official Agricultural Chemists. Many of those standards are rigid and drastic; all of them save those covering meat and meat products will be enforced under the federal food law. Whether the department has the right to make such standards and whether when made they become law is the most unsettled question in the minds of the trade at the present time.

In the writer's judgment there is much doubt whether at least a part of the government's standards can have anything like the effect of law. All of the authority to promulgate standards is contained in the appropriation act of the Department of Agriculture, which defines the duties of the Secretary in part as follows:

"To enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to establish standards of purity for food products, and to determine what are regarded as adulterations therein. \* \* \*

Here the Secretary's powers are divided in half: (1) establishing standards of purity, and (2) determining what are regarded as adulterations. This right is clearly restricted by the phrase "what are regarded," and in the writer's judgment the department's powers under it are limited, not to deciding what are adulterations, but what the department considers adulterations. Since the law itself does not say, it is clearly necessary that somebody should, in order to give the enforcing power a definite starting point in bringing prosecutions.—Grocery World.

No doubt the grocery world will be interested in learning that even the authority to make standards as above quoted was taken from the Secretary of Agriculture before the food bill became a law and that the former committee organized for that purpose are now continuing their work on pure affrontery and in defiance of Congress and the legislation it formulates.

### Denaturized Alcohol Formulas.

The Treasury Department announces two formulæ for denatured alcohol for particular purposes.

In the manufacture of fulminate of mercury the formula for its denaturing is as follows: "To 100 gallons of alcohol add three gallons commercially pure methyl alcohol; one-half gallon pyridin bases. The methyl alcohol must have a specific gravity of not more than .810 at 60 degrees Fahrenheit. The pyridin bases must conform to the specifications set forth in circular 646."

For alcohol used in the manufacture of photo-engravings the denaturing is as follows: "To 100 gallons of alcohol add 65 pounds of sulphuric ether, three pounds of cadmium iodide and three pounds of ammonia iodide."



### THE MEAT INSPECTION ACT.

On January 30, 1907, the Hon. James W. Wadsworth, chairman Committee on Agriculture, House of Representatives, by unanimous consent addressed the House in regard to the meat inspection legislation passed last June. His remarks are herewith reproduced from the Congressional Record of January 30, 1907:

Mr. Wadsworth: Mr. Chairman, I ask unanimous consent to return for a moment to page 14, the meat inspection portion of the bill.

The Chairman: The gentleman from New York (Mr. Wadsworth) asks unanimous consent to return to page 14. Is there objection?

There was no objection.

Mr. Wadsworth: Mr. Chairman, last June, when the meat inspection legislation was under consideration by Congress, the Chief Executive of the nation saw fit, in a letter addressed to the chairman of the Committee on Agriculture of the House of Representatives, in unmeasured terms, and in language conveying a threat, and in words intimating a doubt as to the sincerity and honesty of purpose of the members of that committee, to condemn the meat inspection bill reported by the Committee on Agriculture for the consideration of the House.

I send to the desk the Executive's letter, and ask that the clerk read it as part of my remarks.

The clerk read as follows:

The White House,  
Washington, D. C., June 14, 1906.

My Dear Mr. Wadsworth: I have gone over your bill very carefully, and not only obtained a report from Mr. McCabe, as I told you I would, but also obtained a report from Mr. Reynolds on it. I am sorry to say the more closely I investigate your proposed substitute the worse I find it. Almost every change is one for the worse; so that it hardly seems necessary for me to enumerate them. Perhaps the amendment as you have now drafted it is not quite as bad as it was when you submitted it to me in the first instance; but it is very, very bad. There seems to be one point in which it is possible that the amendment is even worse than the original amendment, if, as seems likely, there is no provision for making plants accessible at all hours to the inspectors. In any event, I am sorry to have to say that this strikes me as an amendment which, no matter how unintentionally, is framed so as to minimize the chance of rooting out the evil in the packing business. Doubtless it suits the packers, who object to a thoroughgoing inspection, much better than the Senate amendment, and I have no doubt that not only the packers, but their allies in business and those stock growers who are influenced by them, would prefer it. But I am convinced it would in the long run be a heavy blow to the honest stock raiser and the honest packer to adopt these provisions rather than the far better ones contained in the Senate amendment; for, as compared with the Senate amendment, this proposed amendment, which you tell me is that of the majority of the House committee, would hamper in the most grossly improper fashion the Secretary of Agriculture in doing the work which you have appointed him to do, and will prevent even so much of this work as can be done at all from being well and thoroughly done. If the bill should go through in the form that the majority of your committee proposes, it might be that I should sign it as working a certain slight improvement over the present law; but if so, I should accompany it by a memorandum explicitly stating how grave the defects were; and I can not even promise to sign it, because the provisions (about the courts, as well as about other matters) are so bad that, in my opinion, if they had been deliberately designed to prevent the remedying of the evils complained of they could not have been worse.

It seems to me that the surest way to keep our foreign trade from us, and, indeed, our interstate trade likewise, in a thoroughly unsatisfactory condition, and to prevent its resuming the position which it formerly had, is to enact the law in the shape proposed in the amendments submitted to me by you.

Sincerely yours, THEODORE ROOSEVELT.

HON. JAMES W. WADSWORTH,

Chairman Committee on Agriculture,  
House of Representatives.

Mr. Wadsworth: In justice to the Committee on Agriculture of the House of Representatives I wrote the following answer to that letter, which I send to the desk and ask the clerk to read as a part of my remarks.

The clerk read as follows:

Committee on Agriculture,  
House of Representatives, United States,  
Washington, D. C., June 15, 1906.

My Dear Mr. President: I received your letter last night. You are wrong, "very, very wrong," in your estimate of the committee's bill. It is as perfect a piece of legislation to carry into effect your own views on this question as was ever prepared by a committee of Congress. Every member of the committee is absolutely as honest and sincere as yourself in his desire to secure the passage of a rigid meat-inspection bill. They know the meaning of the English language.

To show you how unreliable the information is upon which you base your opinion of the bill, I call your attention to the following language in your letter:

"There is no provision for making the plants accessible at all hours to the inspectors."

If you will turn to page 4 of the bill (copy inclosed), line 2, you will find the following words:

"And for the purposes of such examination and inspection said inspectors shall have access at all times to every part of said establishment."

Can the English language be made any plainer?

Turn also to page 6, line 16, and you will find this language:

"The Secretary of Agriculture shall cause an examination and inspection of all cattle, sheep, swine, and goats, and the food products thereof, slaughtered and prepared in the establishments hereinbefore described for the purposes of interstate or foreign commerce, to be made during the nighttime, as well as during the daytime, when the slaughtering of said cattle, sheep, swine, and goats, or the preparation of said food products, is conducted during the nighttime."

Therefore in at least one of the two criticisms you make of the bill you must admit that you are absolutely wrong.

You say:

"Doubtless it suits the packers, who object to a thoroughgoing inspection."

I told you on Wednesday night, when I submitted the bill to you, that the packers insisted before our committee on having a rigid inspection law passed. Their life depends upon it, and the committee will bear me out in the statement that they placed no obstacle whatever in our way, but, on the contrary, gave us many valuable suggestions, based upon their practical knowledge of their business.

Your other actual criticism of the amendment refers to the "court review" clause. The worst that can be said of this clause is that it is perhaps unnecessary—that it is already covered by existing law. I have always been taught to honor the judiciary of my country. I have always been taught to respect the rights of its citizens and to respect the rights of property, and I can not believe that the mere repetition of a provision which guarantees to the citizen the privilege of an appeal to the courts of the land when he believes his property rights are threatened can be justly or properly objected to.

The rest of your letter deals with generalities and a general condemnation of the committee's bill. If you or your advisers will point out specifically wherein it actually fails to accomplish your purpose, I can assure you it will be promptly remedied.

You say further along in your letter:

"And I can not even promise to sign it, because the provisions are so bad that, in my opinion, if they had been deliberately designed to prevent the remedying of the evils complained of, they could not have been worse."

I regret that you, the President of the United States, should feel justified by innuendo at least, in impugning the sincerity and the competency of a committee of the House of Representatives. You have no warrant for it.

Very truly yours,

J. W. WADSWORTH.

THEODORE ROOSEVELT,

President of the United States.

Mr. Wadsworth: As the House well knows, the very bill condemned so severely by the Executive in his letter to the chairman of the Committee on Agriculture, with few amendments in its verbiage, amendments which in no way—and I measure my words—increased its effectiveness, was signed by him on June 30, 1906, and is now the law of the land. In further justice to, and in vindication of, the Committee on Agriculture of the House of Representatives, and in view of all the circumstances and the use that has been made of the Executive's letter, I may be permitted to say, in justice to and in vindication of myself, I offer the testimony of the Secretary of Agriculture as given by Doctor Melvin, of the Bureau of Animal Industry, the bureau having in charge the execution of that law. I read from the hearings of that committee on January 9, pages 228 and 243, the testimony of Doctor Melvin.

I now read from page 228 of the hearings:

Doctor Melvin: The general action of the bill has been found to be very effective, and there is no doubt that it has resulted in a great deal of good, and I would not like to endanger it by suggesting changes.

And now from page 243:

Mr. Lever: If you will pardon me a moment, Mr. Chairman, I want to get this clear. We will take Doctor Melvin back a little bit. We had a severe agitation last year about this meat business—the packing business. I want to ask the doctor whether or not, in his opinion, that agitation hurt seriously our export trade in meat and meat products?

Doctor Melvin: There is no doubt but what it did for a time.

Mr. Lever: For a time. Now, I want to ask you this—if this bill prepared by this committee has had any effect whatever in restoring the confidence of our foreign buyers of meat and meat products, and are we beginning to get back on a normal basis in the export of these products?

Doctor Melvin: Yes; I think we are, quite rapidly.

Mr. Lever: Is it your opinion that it is the result of this bill?

Doctor Melvin: Yes.

Mr. Lever: Prepared by this committee?

Doctor Melvin: Yes.

So that after seven months of study of its provisions, during which time many questions arose and had to be settled and many rules and regulations promulgated, and after four months of active enforcement of the bill, the Secretary of Agriculture has not found it necessary to suggest or recommend a single amendment to make it more effective—not one. So far, at least, the bill has been found to be an honest one and an effective one, just as I promised you gentlemen last June on behalf of the Committee on Agriculture, when without reading it, you passed it under suspension of the rules, it would be. That is all. (Loud and long continued general applause.)



## Food Notes

A very successful Pure Food show was held in Peoria, Ill., from February 6th to the 16th.

\* \* \*

Dr. W. P. Cutler claims that Kansas City is the first and only city to enact a food law based on the provisions of the National law. Not much to brag about if true.

\* \* \*

Owing to congestion of freight over the Northern Pacific railway Fargo, North Dakota, is threatened with a food famine, more especially of fruits and perishable articles.

\* \* \*

With the National Food Law in operation and new state pure food laws being enacted the price of timothy seed should take a tumble owing to its elimination from raspberry jam.

\* \* \*

It is a matter for regret that 34 pages of good government paper were wasted to prove that industrial alcohol could not be produced for less than 40c per gallon. The first large shipment from Peoria to New York is billed at 31c per gallon, f. o. b. Peoria. Dr. Wiley is entitled to one more guess.

\* \* \*

The Pure Food Law is beginning to very materially affect the farmers. The dealers are not willing to run the risk of the penalty connected with trafficking in colored or rancid butter and stale eggs and so the farmer finds no market for such inferior produce and the public is sure of an article up to standard.

\* \* \*

The Board of Health Pure Food Bill for Kansas passed both senate and house with little ceremony and no opposition, which is rather surprising considering its importance. The original bill provided for four food inspectors with salaries of \$1,800 a year each. This amount was reduced in the house to \$100 a month.

\* \* \*

We have information from Kansas City, Mo., to the effect that C. W. Clark, custodian of the Federal building, telegraphed in reply to an inquiry from Washington as follows: "A food laboratory could be established in the Federal building in connection with the assay laboratory." The laboratory will be under the Department of Agriculture.

\* \* \*

The Food and Drugs act effects goods on hand Jan. 1st in the territories and District of Columbia and all goods must be labeled according to the requirements of the law. In the states goods on hand and sold within the state need only to comply with state regulations, which are, in many cases, however, more stringent than the national law.

\* \* \*

One of the anomalies of our times is a milk famine in the heart of the dairy district of Wisconsin. All the milk is sold under an iron clad contract that calls for every drop the farmer produces. The high price of butter has diverted milk which formerly supplied the wants of the people to the creamery and now almost everybody uses condensed milk.

The Pennsylvania State Dairy and Food Commission brought judgment against William M. Keyser, Oaks; Gustock Sons, Collegeville; W. K. Habner, West Point, and Moyer & Sons of Souderton, charging them with selling cattle food below standard. The cases were dismissed by Magistrate Lenhardt, his decision being the samples were not properly procured.

\* \* \*

John Ritchie, a grocer of Berwick, was arrested and fined by the Indiana Food Commission for selling impure olive oil. As the oil had been represented to him as pure by the New York firm from which he purchased it, Ritchie deducted the fine and costs, amounting to \$64.73 from the bill when he paid it. The firm contested his right to do this and brought suit, the case not yet being decided.

### THE MINNESOTA AND DAKOTA FARMER.

We have received Vol. 1, No. 1, of the Minnesota and Dakota Farmer, edited by Hon. W. P. McConnell, ex-Dairy and Food Commissioner of Minnesota. On the staff are A. H. Wheaton, James H. Shephard, John S. Cole, Nels. E. Hanson and H. B. Mathews, all of the South Dakota Agricultural College. The magazine looks well, has a fair advertising patronage and under its capable management ought to prove a financial success.

### NEW OHIO COMMISSION IN OFFICE.

On Feb. 19th Horace Ankeney will step out of office and the newly elected commissioner, Mr. Renick W. Dunlap will take up the work. The following list of assistants have been appointed by Mr. Dunlap.

The Food Inspectors are: Anthony Sauers and George Kinney of Cincinnati, W. E. Johnson, Jackson County; William Martin, Geauga County; C. H. Waid, Fulton County; E. J. Riggs, Gallia County, and C. M. Shafer.

The six Liquor Tax Inspectors are: Charles Gasser, Columbus; J. H. Bamber, Dayton; W. H. Dunifor, Van Wert County; Albert Brown, Toledo; W. H. Westman, Cleveland, and R. T. Dennis, Mt. Sterling.

Miss Anna Hoge of Belmont County, who has been bookkeeper of the department for a considerable period, will retain the position. Mr. Charles Thuber has been appointed stenographer. Mr. Charles H. May of Circleville, one of the best known and popular lawyers in Southern Ohio, has been appointed as attorney and confidential advisor to Commissioner Rennick.

## WEISEL & CO.

... Manufacturers of...

High Grade **SAUSAGES** ONLY

609 East Water Street

Milwaukee, Wis.

CHICAGO BRANCH: — 51 to 53 LA SALLE STREET

Tel. connection

**We are the Largest** Manufacturers of Prepared  
**MUSTARD AND CATSUP**

**HUSS-EDLER PRESERVE COMPANY,**

Write for Samples and Prices. 75-79 W. Kinzie St., Chicago



# Corn Products Manufacturing Co.

The Rookery, Chicago

**Corn Syrups,  
Glucose,  
Grape Sugar,  
Corn Starch,  
Confectioners' T. B. Starch**

ALL PRODUCTS GUARANTEED UNDER THE  
FOOD AND DRUGS ACT, JUNE 30, 1906.

'Karo Corn Syrup is a Pure Food Product.  
Its Ingredients, Corn Syrup, 85% and Re-  
finers Syrup 15% are of the Highest Quality  
and prepared according to U. S. Standards.'

## PURE AND WHOLESOME

All of **BORDEN'S** prod-  
ucts comply in every  
respect with the National  
Pure Food and Drugs  
Act of June 30, 1906,  
against adulteration and  
mis-branding, and in ac-  
cordance with depart-  
ment ruling we have  
filed our STANDARD  
GUARANTEE at  
Washington--No. 165.

**BORDEN'S CONDENSED MILK CO.**  
Est. 1857 "LEADERS OF QUALITY" New York



## Seipp's Extra Pale Beer

Absolutely pure,  
wholesome, well  
aged, thoroughly  
pasteurized, chill  
and summer  
proof. :: :: ::

**C. SEIPP BREWING CO.**  
27th St. and Cottage Grove Ave.  
Telephones:  
**Calumet 730 and 869**



# THE AMERICAN FOOD JOURNAL



Vol. II No. 3

CHICAGO, MARCH 15, 1907

10c. Per Copy  
Monthly \$1.00 Per Year



## FOOD PRODUCTS BUILDING

Jamestown Exposition, 1907  
Norfolk, Va.



# ARMOUR & COMPANY

— ESTABLISHED 1863 —

CHICAGO : KANSAS CITY : SOUTH OMAHA : SIOUX CITY : EAST ST. LOUIS : FORT WORTH

: PACKERS AND SHIPPERS OF :

## DRESSED BEEF, PROVISIONS, CANNED MEATS

and Proprietors of the following well known special Brands:

### "STAR" HAMS AND BACON

"VERIBEST" MINCE MEAT	DEVONSHIRE SAUSAGE
"VERIBEST" PORK AND BEANS	SIMON PURE LEAF LARD
"VERIBEST" TINNED MEATS	VEGETOLE (Lard Substitute)

General Offices ::: 205 LA SALLE STREET ::: CHICAGO, ILL.

## ATLAS Harmless Synthetic Colors

ATLAS VEGETABLE COLORS  
IN PASTE OR DRY FORM

### Atlas Carmine

No. 40

Guaranteed absolutely free from coal tar matter. Has no equal in strength, clearness or brilliancy.



### Koncentrona

:: :: OUR NEW :: ::  
VEGETABLE BROWN

To replace Coal Tar or Iron Browns. The only adaptable Vegetable Brown, very strong and correct in shade.

## H. KOHNSTAMM & COMPANY

Established 1851

112 Franklin Street, CHICAGO

87 Park Place, NEW YORK



# THE AMERICAN FOOD JOURNAL



Vol. 2. No. 3.

CHICAGO, MARCH 15, 1907.

Monthly, \$1 Per Year.  
10c Per Copy.

## NEW STATE PURE FOOD LAWS

### COLORADO

HOUSE BILL No. 29. By MR. KELLY.

#### A BILL

For an act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and repealing all acts or parts of acts in conflict herewith.

*Be it enacted by the General Assembly of the State of Colorado:*

SECTION 1. It shall be unlawful for any person to manufacture, or sell, or expose for sale, or deliver or give away, or ship, or offer for shipment, within this state, any article of food, or drug, which is adulterated, or misbranded, within the meaning of this act, except as such article may be in the original package and the subject of interstate commerce under the federal jurisdiction; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense, shall, upon conviction thereof, be punished by a fine of not exceeding five hundred dollars, or by imprisonment of not exceeding one year, or by both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be punished by a fine of not less than one thousand dollars, or by imprisonment for one year, or by both such fine and imprisonment, in the discretion of the court. But no article shall be deemed misbranded or adulterated within the provisions of this act when intended for export to any foreign country and prepared, or packed, according to the specifications or directions, of the foreign purchaser, when no substance shall appear that any of the provisions of this act have been violated by such person, then the secretary of the State Board of Health shall at once certify the facts to the proper district attorney, with a copy of the results of the analysis, or other examination, of such article, duly authenticated by the analyst, or officer, making such examination, under the oath of such analyst or officer. After judgment of the court, notice shall

be given by the publication in such manner as may be prescribed by the rules and regulations aforesaid.

SEC. 4. It shall be the duty of each district attorney to whom the secretary of the State Board of Health shall report any violation of this act, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of this state, without delay, for the enforcement of the penalties as in such case herein provided, and the State Board of Health may appoint a special attorney to prosecute, or assist in prosecuting, such violations.

SEC. 5. The term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance, or compound, or mixture of substances, intended to be used for the cure, mitigation or prevention, of disease of either man or other animals. The term "food," as used in this act, shall include all articles used for food, drink, confectionery, or condiment, by man or other animals, whether simple, mixed or compound.

SEC. 6. For the purposes of this act an article shall be deemed to be adulterated:

In case of drugs:

FIRST. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard strength, quality, or purity, as determined by the tests laid down in the United States Pharmacopœia or National Formulary official at the



time of investigation. But no drug defined in the United States Pharmacopœia or National Formulary that is not official shall be deemed to be adulterated under this provision, if the standard strength, quality, or purity be plainly stated on the bottle, box, or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Second. If its strength or purity shall fall below the professed standard, or quality, under which it is sold.

In case of confectionery:

If it contains terra alba, barytes, talc, chrome yellow, or any mineral substance used for the purpose of adulteration, or poisonous color, or flavor, or other ingredient deleterious to health, or any vinous, malt or spirituous liquor, or compound, or narcotic drug.

In case of food:

First. If any substance has been mixed, or packed, with it so as to reduce or lower, or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly, or in part, abstracted.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain formaldehyde or other harmful preservative or any added poisonous, or other added deleterious ingredient which may render such article injurious to health. But when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative are printed on the covering, or the package, the provisions of this act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consist in whole or in part of a filthy, decomposed, or putrid animal, or vegetable substance, or any portion of an animal unfit for food, whether manufactured, or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

SEC. 7. The term "misbranded," as used herein, shall apply to all drugs or articles of food, or articles which enter into the composition of food, the package, or label, of which shall bear any statement, word, design or device regarding such article, or the ingredients or substances, contained therein, which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the state, territory, city, town, place, or country in which it is manufactured, produced, or found.

For the purposes of this act an article shall also be deemed to be mis-branded:

In case of drugs:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up, or the contents of the box, bottle, can or other container, sold, or exposed for sale, or delivered, or given away, or shipped, or offered for shipment, shall have been removed, in whole, or in part, and other contents shall have been placed in such package, or in such box, bottle, can, or other container, or if such package, or such box, bottle, can, or other container, as aforesaid, fail to bear a statement on its label of any quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, or any harmful coal tar derivative or preparation, or any such substances, contained therein. But no such statement shall be required to be placed on such label if the drug is sold upon the prescription of a duly licensed physician, dental surgeon, or veterinary surgeon.

In case of food:

First. If it be an imitation of, or offered for sale under, the distinctive name of another article.

Second. If it be labeled, or branded, so as to deceive, or mislead, the purchaser, or purport to be a foreign product when not so, or if the contents of the package, as originally put up, or of the box, bottle, can, or other container, sold, or exposed for sale, or delivered, or given away, or shipped or offered for shipment, shall have been removed in whole or in part and other contents shall have been placed in such package, or in such box, bottle, can, or other container, or it shall fail to bear a statement on its label of the quantity, or

the proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, or any harmful coal tar derivative, or preparation of any such substances contained therein.

Third. If in package form and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it, or the box, bottle, can, or other container, or its label, shall bear any statement, word, design, or device regarding the ingredients or the substances contained therein, which statement, word, design, or device shall be false or misleading in any particular. But an article of food which does not contain any added poisonous ingredients, or ingredients deleterious to health, shall not be deemed to be adulterated, or misbranded, in the following cases:

First. In the case of mixtures, or compounds, which may be now, or from time to time hereafter, known as articles of food, under their own distinctive names, and not an imitation of, or offered for sale under, the distinctive name of another article, if the name be accompanied on the same label, or brand, with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded, or tagged, so as plainly to indicate that they are compounds, imitations or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package, box, bottle, can, or other container, in which it is offered for sale. But the term "blend," as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring, or flavoring ingredients used for the purpose of coloring and flavoring only; and nothing in this act shall be construed as requiring or compelling proprietors, or manufacturers, of proprietary foods, which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

SEC. 8. "No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other person residing in this state, from whom he purchased any article in question, to the effect that the same is not adulterated or misbranded. Such guaranty, to afford protection, shall contain the name and address of the person making the sale of such article to such dealer, and in such case said person shall be amenable to the prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act;"

SEC. 9. Any article of food, drug, or liquor, that is adulterated, or misbranded, within the meaning of this act, that is manufactured, or sold, or exposed for sale, or delivered, or given away, or shipped, or offered for shipment, within this state, together with its box, bottle, can, or other container, except as such article may be in the original package and the subject of interstate commerce under the federal jurisdiction, is hereby declared to be a nuisance, and shall be abated upon a complaint, hearing, and judgment, or order, of court in a proceeding in the District Court, of the district where such article of food, drug, or liquor, is found, by seizure and confiscation for destruction or sale. If such article is condemned as being adulterated, or misbranded, or as being of a poisonous, or deleterious character, within the meaning of this act, it shall be disposed of under the proper order of court by destruction, or by sale in the manner provided for the sale of chattels under execution, in the discretion of the court; and the proceeds thereof, if it be sold, less the legal costs and charges, shall be paid to the State Treasurer; but such article of food, or drug, shall not be sold in any jurisdiction contrary to the law thereof.

SEC. 10. The word "person" as used in this act, shall be construed to import both the plural and singular, as the case demands, and shall include corporations, companies, partnerships, societies and associations. When construing and enforcing the provisions of this act, the act, omission, or failure, of any officer, agent, or other parson, acting for or employed by, any corporation, company, partnership, society, or association, within the scope of his employment, or office, shall in every case also be deemed to be the act, omission, or failure of such corporation, company, partnership, society or association, as well as that of the person.

SEC. 11. In the opinion of the General Assembly an emergency requires this act to take effect at a time later than ninety days after its passage; therefore, this act shall take effect and be in force on and after the 1st day of January, A. D. 1908. All acts and parts of acts inconsistent or in conflict herewith are hereby repealed.



## INDIANA

## The Pure Food and Drug Law of the State of Indiana

Chapter 104, Acts 1907

## A BILL

For an act to be entitled an act forbidding the manufacture, sale or offering for sale of any adulterated or misbranded foods or drugs, defining foods and drugs, stating wherein adulteration and misbranding of foods and drugs consist, and defining the duties of the state board of health in relation to foods and drugs, their inspection, purity and misbranding, regulating the slaughter of animals and their preparation for food, providing an appropriation for enforcement, providing for the appointment of a state food and drug commissioner, declaring penalties for the violation of the laws, rules and ordinances concerning foods and drugs, repealing acts in conflict therewith, and declaring an emergency. Approved March 4, 1907.

SECTION 1. Be it enacted by the General Assembly of the state of Indiana, that it shall be unlawful for any person, firm or corporation, within this state, to manufacture for sale within this state, offer for sale therein, or sell within this state, any drug or article of food which is adulterated or misbranded within the meaning of this act. That the term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease of either man or other animals. The term "food," as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed or compound.

SEC. 2. That for the purpose of this act an article shall be deemed as adulterated: In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality or purity, as determined in the test laid down in the United States Pharmacopœia or National Formulary, official at the time of investigation: Provided, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

In case of food:

First. If any substance or substances have been mixed with it so as to reduce, or lower, or injuriously affect its quality or strength;

Second. If any substance has been substituted wholly or in part for the article;

Third. If any valuable constituent has been wholly or in part abstracted from it;

Fourth. If it consists in any proportion of a filthy, diseased, decomposed, putrid or rotten animal, or vegetable substance, whether manufactured or not, or in the case of milk, if it is the product of a diseased animal;

Fifth. If it is mixed, colored, coated, polished, powdered or stained in a manner whereby damage or inferiority is concealed, or whereby it is made to appear better or of greater value than it really is;

Sixth. If it contains any added poisonous or other added deleterious ingredient;

Seventh. If it contains any added antiseptic or preservative substance except common table salt, saltpeter, cane sugar, vinegar, spices, or, in smoked food, the natural products of the smoking process, or other harmless preservatives whose use is authorized by the state board of health.

SEC. 3. That no person either by his servant or agent, or as the servant or agent of another person, shall sell, exchange or deliver, or have in his custody or possession with intent to sell, exchange or deliver, expose or offer for sale or exchange, adulterated milk or milk to which water or any foreign substance has been added, or milk produced from cows which have been fed on the refuse of distilleries, or from sick or diseased cows, or as pure milk from which the cream or a part thereof has been removed, or milk which is not of standard quality, or milk collected and kept or handled under conditions which are not cleanly and sanitary, or milk containing less than eight and one-half per cent of milk solids exclusive of fat, and 3.25 per cent of milk fat, or milk which contains any added color or preservative: Provided, however, "Refuse of distilleries" shall not be construed to mean or apply to dried distillers' grains in sound condition.

SEC. 4. That it shall be unlawful for any person or persons, firm or corporation, to sell within this state or to have in his or their possession to sell within this state for human food, the carcass or parts of carcasses of any animal which has been slaughtered, prepared, handled or kept under unsanitary conditions; and unsanitary conditions shall be deemed to exist wherever and whenever any one or more of the following conditions appear or are found, to-wit: If the slaughter house is dilapidated and in a state of decay, if the floors or side walls are soaked with decaying blood or other animal matter, if efficient fly screens are not provided, if the drainage of the slaughter house or slaughter house yard is not efficient, if maggots or filthy pools or hog wallows exist in the slaughter house yard or under the slaughter house; if the water supply used in connection with the cleansing or preparing is not pure and unpolluted; if hogs are kept in the slaughter house yard or fed therein on animal offal, or if the odors of putrefaction plainly exist therein; if carcasses or parts of carcasses are transported from place to place when not covered with clean white cloths, or if kept in unclean, bad smelling refrigerators, or if kept in unclean or bad smelling cold storage rooms. It shall be unlawful for any person, firm or corporation to sell or offer for sale any eggs, after the same have been placed in an incubator, or to sell or offer for sale, knowingly, eggs in a rotten, decayed or decaying condition to be used for food. It shall be the duty of all peace and all health officers to seize any animal carcass or parts of carcasses, or any domestic or wild fowl eggs, game or fish found to be unwholesome and which are intended for sale or offered for sale for human food or which have been slaughtered and prepared, handled or kept under unsanitary conditions as herein defined, and shall deliver the same forthwith to and before the nearest police judge or justice of the peace, together with all information obtained, and said police judge or said justice of the peace shall issue warrants of arrest for all persons believed to have violated the provisions of this section, and said cause shall be tried at an early date



thereafter. Any person, persons, firm or corporation found guilty of violating any of the provisions of this section shall be fined not less than ten nor more than one hundred dollars for each offense, and the meat in question shall be drenched with kerosene oil or rendered into grease and tankage as the court may direct.

SEC. 5. That the term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food and drugs, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the state, territory or country in which it is manufactured or produced. That for the purpose of this act an article shall also be deemed to be misbranded: In the case of drugs:

First. If it be an imitation of or offered for sale under the name of another article;

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents differing in quality or quantity from such original contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, phenacetin, antipirine, or any derivative, or preparation of any such substance or substances contained therein: Provided, That the said requirements as to statement of contents shall not be operated until March 1, 1908, and Provided, That the requirements of this section shall not apply in the case of medicinal prescriptions written by licensed physicians resident in the state of Indiana.

In the case of food:

First. If it be an imitation of or offered for sale under the distinctive name of another article;

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, acetanilide, phenacetin or antipirine, or any derivative or preparation of any such substance or substances contained therein: *Provided, That such statement shall not be required as to articles of food in the hands of wholesale or retail dealers on or prior to March 1, 1908;*

Third. If in the package form, and the contents are stated in the terms of weight or measure, they are not plainly and correctly stated on the outside of the package;

Fourth. If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, design or device shall be false or misleading in any particular: *Provided, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:*

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided, That the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: And, provided further, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.*

SEC. 6. That no dealer shall be prosecuted under the provisions of this act for selling or offering for sale any article of food or drugs, as defined herein, when same is found to be adulterated or misbranded within the meaning of this act, in the original, unbroken package in which it was received by said dealer, when he can establish a guarantee, signed by the wholesaler, jobber, agent or other party residing in the

United States from whom he purchased such article, *or if a proper printed guarantee of the manufacturer with his address be upon the package or container*, to the effect that the same is not adulterated or misbranded in the original unbroken package in which said article was received by said dealer, within the meaning of this act, designating it, or within the meaning of the food and drugs act enacted by the Senate and House of Representatives of the United States of America in Congress assembled June 30th, 1906. Said guarantee to afford protection shall contain the name and address of the party or parties making the sale of such articles to such dealer, *or of the manufacturer thereof as herein specified*, and in such case said party or parties shall be amenable to the prosecution, fines and other penalties which would attach in due course to the dealer, under the provisions of this act.

SEC. 7. That it shall be the duty of the state board of health to enforce the laws of the state governing food and drug adulteration, and the chemist of the state board of health appointed by said board shall be the state food and drug commissioner. The state board of health shall make all necessary investigations and inquiries in reference to the manufacture and sale of food and drugs, and for these purposes the state, county, city and town health officers shall be food and drug inspectors, subordinate to the state board of health. The state board of health shall adopt such rules as may be necessary to enforce this act, and shall adopt rules regulating minimum standards for food and drugs, defining specific adulteration and declaring the proper methods of collecting and examining drugs and articles of food, and the violation of said rules shall be punished, on conviction, as set forth in section 10 of this act. Every person offering or exposing for sale or delivering to a purchaser any drug or article of food included in the provisions of this act shall furnish to any inspector or other officer or agent appointed hereunder, who shall apply to him for the purpose and shall tender to him the value of the same, a sample sufficient for the purpose of the analysis of any such drug or article of food which is in his possession. Whoever hinders, obstructs or in any way interferes with any inspector, or other officer or agent appointed hereunder, in the performance of his duty, shall, upon conviction, be fined in any sum not exceeding \$100.

SEC. 8. That the sum of \$15,000 is hereby appropriated annually from the treasury of the state of Indiana to be expended by the state board of health for the purpose of meeting expenses incurred in the enforcement of this act, including the salaries of the state food and drug commissioner, chemists, inspectors and clerks, the cost of collection of samples, purchase of laboratory supplies, aid in prosecuting offenders against this act, publication and distribution of bulletins and other expenses incident to the enforcement of this act; all payments to be paid out by certificate issued by the state board of health and attested by the secretary, and on presentation of said certificates the auditor of state shall draw his warrants for the amount certified on the state treasurer, who shall pay the same from the appropriation for the enforcement of this act, and the appropriation herein provided for shall be available at the taking effect of this act: *Provided, however, That nothing herein contained shall be considered to repeal or in anywise affect the appropriations heretofore made for the establishment and maintenance of the state laboratory of hygiene, by an act of the General Assembly entitled "An act to establish a state laboratory of hygiene, providing an appropriation for its establishment and maintenance, forbidding the teaching of adulteration, prescribing penalties, repealing all conflicting acts, and declaring an emergency," approved February 25, 1905.*

SEC. 9. That the state food and drug commissioner, who is also chemist to the state board of health, shall receive an annual salary of \$2,500 to be paid out by certificates issued by the state board of health and attested by the secretary, and on presentation of said certificates the auditor of state shall draw his warrant for the amount certified on the state treasurer, who shall pay the same from the appropriations for the enforcement of this act, which sum shall constitute the entire salary of said officer, both as state food and drug commissioner and chemist to the state board of health.

SEC. 10. That, except as elsewhere provided in this act, any person, persons, firm or corporation violating any of the provisions of this act, shall upon conviction for the first offense, be punished by a fine of not less than \$10.00 nor more than \$30.00; for the second offense, by a fine of not less than \$25.00 nor more than \$100.00; and for the third and subsequent offense, by a fine of \$100.00 and imprisonment in the county jail for not less than thirty nor more than ninety days.

SEC. 11. That, whenever the state board of health, the state food and drug commissioner or other authorized officer of the



state board of health shall furnish evidence to district prosecutors, said prosecutors shall prosecute all persons violating any of the provisions of this act, and such cases may be brought before police judges or justices of the peace: Provided, That the powers and jurisdiction of such police judges and justices of the peace and the practice in such cases shall be the same as in other prosecutions before such officers for crimes and misdemeanors, who shall have jurisdiction to hear and deter-

mine actions arising for violation of the provisions of this act, and to hold for court or to impose the penalties imposed therein, subject to appeal as the law shall direct.

SEC. 12. That an emergency exists for the immediate taking effect of this act; therefore, this act shall be in force from and after its passage.

SEC. 13. That all acts and parts of acts in conflict with the provisions of this statute are hereby repealed.

## MISSOURI

[ENGROSSED]

SENATE BILL

No. 47

44TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR DEVILBLISS.

Read first time and 300 copies ordered printed, January 9, 1907.

Read second time and referred to the Committee on Eleemosynary Institutions and Public Health, January 15, 1907.

Reported from the Committee on Eleemosynary Institutions and Public Health, with recommendation that the bill do pass, with amendment No. 1, January 31, 1907.

Reported from the Committee on Eleemosynary Institutions and Public Health with recommendation that the bill do pass with amendments Nos. 2, 3, 4, 5, 6, 7, 8, 9 and 10, February 6, 1907.

Taken up and laid over informally, February 8, 1907.

Taken up and amendments Nos. 1, 2, 3, 4, 5, 6; substitute for Nos. 7, 8, 9, 10, 11 adopted, and bill ordered engrossed and printed as amended, February 12, 1907.

C. ROACH, Secretary.

### AN ACT

To prohibit the manufacture and sale of foods, drugs, medicines, beverages and liquors, as defined in this act, which are adulterated or misbranded within the meaning of this act; and prescribing penalties for violations thereof.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

SECTION 1. No person or persons, firm or association of persons, company or corporation shall, within this state, manufacture, produce, sell, offer or expose for sale, or have in his, their or its possession, with intent to sell, any article of food or drug which is adulterated or misbranded within the meaning of this act, or cause or procure the same to be done by others.

SEC. 2. The term "drug," as used in this act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation or prevention of disease in man or animals. The term "food," as used in this act, shall include all articles used for food, drink, confectionery or condiment by man or animal, whether simple, mixed or compound.

SEC. 3. A drug shall be deemed to be adulterated within the meaning of this act: 1. If, when sold under or by a name recognized in the latest revised edition of the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality or purity prescribed therein. 2. If its strength, quality or purity fall below the professed standard under which it is sold: Provided, that no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality or purity be plainly stated upon the bottle, box or other container thereof, although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

SEC. 4. Food shall be deemed to be adulterated: 1. If any substance or substances have been mixed with it so as to

lower or depreciate or injuriously affect its strength, quality or purity. 2. If any substance or substances have been substituted wholly or in part for the article. 3. If any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it. 4. If it is mixed, colored, coated, polished, powdered or stained in a manner whereby damage or inferiority is concealed; or if, by any means, it is made to appear to be better or of greater value than it really is. 5. If it contain any added substance which is poisonous or injurious to health: Provided, that when in the preparation of food products for shipment they are preserved by any external application, applied in such a manner that the preservative is necessarily removed mechanically or by maceration in water or otherwise, and directions for the removal of said preservative shall be printed on the covering of the package, the provisions of this act shall be construed as applying only when said products are ready for consumption. 6. If it consist wholly, or in part, of a diseased, filthy, decomposed, putrid, infected, tainted or rotten animal or vegetable substance, or any part or portion of an animal diseased or otherwise unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or of an animal that has died otherwise than by slaughter, and in case of meats, oysters or fish, sold or offered for sale in the fresh state, if such meats, oysters or fish shall have been inoculated, dusted, powdered, sprayed, rubbed, annointed, washed, sprinkled, fumigated, or in any other manner treated with any of the substances declared deleterious or dangerous by this act, or any antiseptic or chemical preservative or dye stuff whatsoever, whose use and apparent purpose is to mask decomposition, or to give to the meat, oysters or fish a false appearance of freshness or quality. 7. If it contains methyl or wood alcohol in any of



its forms. 8. If it be an imitation or sold as or for another article. 9. If, in the case of confectionery, it contains terra alba, barytes, arsenic, talc, chrome yellow or other mineral substances, a poisonous color or flavor, or other ingredients deleterious or detrimental to health, or vinous, malt or spirituous liquor or narcotic drug; or 10. If it does not conform to the standard of strength, quality and purity now or hereafter to be established by the United States department of agriculture.

SEC. 5. The term "misbranded," as used in this act, shall apply to all drugs and articles of food, or articles which enter into the composition of drugs or food, the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to state, territory or country in which it is made, manufactured, produced or grown, or as to the person, firm or corporation by whom it is made, manufactured, produced or grown.

SEC. 6. In the case of drugs an article shall also be deemed to be misbranded: 1. If it be an imitation of, or offered for sale under the name of, another article. 2. If the contents of the package, as originally put up, shall have been removed in whole, or in part, and other contents shall have been placed in such package. 3. If the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, heroin, cocaine, eucaine (alpha or beta), chloroform, cannabis indica, chloral hydrate, acetanilid, or any derivative or preparation of any such substance contained therein: Provided, that subdivision 3 of this section shall not apply to any drug prepared or sold on the prescription of a duly licensed physician, or prepared by a duly licensed pharmacist for immediate sale upon an order therefor.

SEC. 7. In the case of food, as herein defined, an article shall also be deemed to be misbranded: 1. If it is an imitation of, or is offered for sale under the distinctive name of another article. 2. If it be labeled or branded, tagged, stenciled or marked so as to deceive the purchaser, or purport to be a foreign product when not so. 3. If the contents of the package, as originally put up, shall have been removed in whole, or in part, and other contents shall have been placed in such package. 4. If it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, heroin, cocaine, eucaine (alpha or beta), chloroform, cannabis indica, chloral hydrate, acetanilid, or any derivative or preparation of any such substances contained therein. 5. If, in package form, and the contents are stated in terms of weight and measure, they are not plainly and correctly stated on the outside of the package. 6. If the package containing it, or its label, shall bear any statement, design or device regarding the ingredients or the substances contained therein, which statement, device or design shall be false or misleading in any particular: Provided, that an article of food which does not contain any added poisonous or deleterious ingredient shall not be deemed misbranded in the following cases, viz: (1) In the case of mixtures of compounds which may now, or from time to time hereafter, be known as articles of food under their own distinctive names and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the factory or place where said article has been manufactured or produced; (2) in the case of articles labeled, branded, stenciled or tagged so as to plainly indicate that they are mixtures, compounds, imitations or blends, and the word "mixture," "compound," "imitation," or "blend," as the case may be, is plainly stated on the package or container in which they are offered for sale: Provided, that the term "blend" as used herein shall be construed to be a mixture of like substances; and, provided further, that nothing in this act shall be construed as requiring or compelling manufacturers of proprietary foods, which contain no unwholesome ingredient, or substance added to increase the bulk or weight of the finished product, to disclose their trade formulas, except in so far as the provisions of this act may require, to secure freedom from adulteration or misbranding.

SEC. 8. If a statement of any of the ingredients of an article of food or drink, or of an article entering into food or drink, is required by law to be stated upon the label or package of such article or is stated upon the label of such article, whether required by law or not, such statement and the name and address of the manufacturer or vendor of the article shall be distinctly and conspicuously printed on the label or package in straight parallel lines of plain, uncondensed legible type, well spaced, on a plain ground. The statement of ingredients shall be clearly separated from and not inter-

spaced or confused with other matter; shall specify each and every ingredient by its ordinary name and shall be in the English language. The letters of said type shall be as large as any printed matter on the label or package (except the name of the compound, or chief article named therein, which may be in larger type), and shall not be smaller than 8-point gothic caps: Provided, that in case the size of the package does not allow the use of type of such size, then the size may, with the approval of the dairy and food commissioner, be proportionately reduced. The required label shall be firmly attached to or printed on the exterior of the package or envelope of the said article, on the top or side thereof, and in plain sight; but the dairy and food commissioner may, in writing, approve specific labels not strictly in accordance with the above provisions if it is his opinion that the information is set forth thereon clearly enough for the reasonable protection of the purchaser.

SEC. 9. Drugs or foods labeled in violation of the provisions of sections 5, 6, 7 and 8 shall be deemed to be misbranded within the meaning of this act.

SEC. 10. No person, firm, association of persons or corporation shall deface, erase or remove any label or mark provided for in this act with intent to mislead, deceive, or violate any of the provisions of this act, nor cause the same to be done by others.

SEC. 11. Every person, firm association of persons or corporation manufacturing, offering or exposing for sale, or delivering to a purchaser, any drug or article of food, included in the provisions of this act, upon application of any person or an inspector, analyst or other officer or agent of the state, and tender to such person, firm, association or corporation of the value thereof, shall furnish a sample for analysis of any such drug or article of food which is so in his or their possession.

SEC. 12. No dealer shall be prosecuted under the provisions of this act when he can establish a guaranty, as provided for in the national food and drug act approved June 30, 1906, or a guaranty, signed by the wholesaler, jobber, manufacturer or other party, residing in the state of Missouri, from whom he purchased such articles, to the effect that the same are not adulterated or misbranded in the original unbroken packages, within the meaning of this act. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to prosecutions, fines and other penalties which would attach, in due course, to the dealer under the provisions of this act.

SEC. 13. When construing and enforcing the provisions of this act, the act, omission or failure of any officer, agent or other person acting for or employed by any person, corporation, firm or association, within the scope of his employment or office, shall, in every case, be deemed to also be the act, omission or failure of such employer.

SEC. 14. Any person, firm, association or corporation who shall, within this state, manufacture or produce, offer or expose for sale, or shall sell or deliver, or have in his or their possession with intent to sell, any drug or food, as defined in this act, which is adulterated or misbranded within the meaning of this act, or who shall fail or refuse, upon the application of a proper person, and the tender to him of the value thereof, to deliver to such person a sample, sufficient for analysis, of any drug or article of food in his or their possession, as required by this act, or who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and upon conviction thereof, be punished for every such offense by a fine not less than ten dollars nor more than five hundred dollars, or by imprisonment in the county jail not to exceed six months, or both such fine and imprisonment, and shall, in addition, be adjudged to pay all costs and expenses incurred in inspecting and analyzing such food or drug. All fines recovered under the provisions of this act shall be paid to the state treasurer.

## HOUSE AMENDMENTS TO SENATE BILL No. 47 44th General Assembly

Read first and second times, 300 copies ordered printed, March 6, 1907.

C. ROACH, Secretary

### AMENDMENT NO. 1.

Amend section 4 of senate bill No. 47, by adding subdivision 6 thereof, as follows:

And in the case of dairy products, if any such product be drawn or produced from cows fed on unhealthy or unwholesome food, or on waste, slops, refuse, leavings or residue of any nature or kind from distilleries, breweries or vinegar fac-



tories, or on food in a state of putrefaction, or from cows diseased in any way.

#### AMENDMENT NO. 2.

Amend senate bill No. 47, section 7, by inserting after the word "substances," in line 37, the following words:

"Not excluding harmless coloring and flavoring ingredients used for the purpose of coloring and flavoring only."

#### AMENDMENT NO. 3.

Amend senate bill No. 47 by inserting in line 6 of section 12 thereof, between the words "Missouri" and "from," the following:

"Or who shall have filed in the office of the dairy and food commissioner a designation of the name and residence of some competent person being and continuing a resident of this state, process served on whom shall be valid and exceptable as personally served upon such party in any suit or proceeding under this act."

#### AMENDMENT NO. 4.

Amend senate bill No. 47, by adding thereto a new section, to be known as section 15, said section to read as follows:

SECTION 15. All acts and parts of acts inconsistent with this act are hereby repealed.

## IOWA

### Amendment of the State Pure Food Laws

For an act to amend the law as it appears in section seven (7) and eight (8) of chapter one hundred and sixty-six of the acts of the thirty-first General Assembly relating to the definition of the term "misbranded" and the method of labeling.

*Be it enacted by the General Assembly of the State of Iowa:*

SECTION 1. That the law as it appears in chapter one hundred and sixty-six (166) laws of the Thirty-first General Assembly is hereby amended by striking out all of section seven (7) after the period in the fifth line thereof, and by inserting in lieu thereof the following words and characters: "The term 'Misbranded' as used herein shall apply to all articles of food or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food product which is falsely branded as to the state, territory, or country in which it is manufactured or produced, or which bears any statement of the weight or measure unless the same be a correct statement of the net weight or measure of the contents."

SEC. 2. That section eight (8) of chapter one hundred and sixty-six (166) laws of the Thirty-first

General Assembly, is hereby amended by striking out the word "constituents" from the thirty-eighth line thereof, and by inserting in lieu thereof the words "the name and quantity or proportion of each constituent."

In effect July 4, 1907.

The original section provided as follows:

Section 7. The word "Commissioner," whenever used in this act, shall be taken to mean the State Food and Dairy Commissioner herein provided for. The word "food," as herein used shall include all articles used for food, drink, confectionery or condiment, by man or domestic animals, whether simple, mixed or compound.

Section 2. In the case of articles labeled, branded or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations, or blends, provided that the same shall be labeled, branded or tagged, so as to show the exact character and constituents thereof; and provided further, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or imitation.

## New Meat Inspection Appropriation Act.

For Meat Inspection: That hereafter, for the purpose of preventing the use in interstate or foreign commerce, as hereinafter provided, of meat and meat food products which are unsound, unhealthful, unwholesome, or otherwise unfit for human food, the Secretary of Agriculture, at his discretion, may cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, and goats before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment, in which they are to be slaughtered and the meat and meat food products thereof are to be used in interstate or foreign commerce; and all cattle, swine, sheep, and goats found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, or goats, and when so slaughtered the carcasses of said cattle, sheep, swine, or goats shall be subject to a careful examination and inspection, all as provided

by the rules and regulations to be prescribed by the Secretary of Agriculture, as herein provided for.

That for the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made by inspectors appointed for that purpose, as hereinafter provided, a post-mortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats to be prepared for human consumption at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment in any state, territory, or the District of Columbia for transportation or sale as articles of interstate or foreign commerce; and the carcasses and parts thereof of all such animals found to be sound, healthful, wholesome, and fit for human food shall be marked, stamped, tagged, or labeled as "Inspected and passed;" and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned" all carcasses and parts thereof of animals found to be unsound, unhealthful, unwholesome, or



otherwise unfit for human food; and all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof, and said inspectors, after said first inspection, shall, when they deem it necessary, reinspect said carcasses or parts thereof to determine whether since the first inspection the same have become unsound, unhealthful, unwholesome, or in any way unfit for human food, and if any carcass or any part thereof shall, upon examination and inspection subsequent to the first examination and inspection, be found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, it shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any establishment which fails to so destroy any such condemned carcass or part thereof.

The foregoing provisions shall apply to all carcasses or parts of carcasses of cattle, sheep, swine, and goats, or the meat or meat products thereof which may be brought into any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and such examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products; and the foregoing provisions shall also apply to all such products, which, after having been issued from any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained.

That for the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made, by inspectors appointed for that purpose, an examination and inspection of all meat food products prepared for interstate or foreign commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and for the purposes of any examination and inspection said inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as "Inspected and passed" all such products found to be sound, healthful, and wholesome, and which contain no dyes, chemicals, preservatives, or ingredients which render such meat, or meat food products unsound, unhealthful, unwholesome, or unfit for human food; and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned" all such products found unsound, unhealthful, and unwholesome, or which contain dyes, chemicals, preservatives, or ingredients which render such meat or meat food products unsound, unhealthful, unwholesome, or unfit for human food, and all such condemned meat food products shall be destroyed for food purposes as hereinbefore provided, and the Secretary of Agriculture may remove inspectors from any establishment which fails to so destroy such condemned meat food products: Provided, That subject to the rules and regulations of the Secretary of Agriculture the provisions hereof in regard to preservatives shall not apply to meat food products for export to any foreign country and which are prepared or packed according to the specifications or directions of the foreign purchaser, when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is to be exported; but if said article shall be in fact sold or offered for sale for domestic use or consumption then this proviso shall not exempt said article from the operation of all the other provisions of this act.

That when any meat or meat food product prepared for interstate or foreign commerce which has been inspected as hereinbefore provided and marked "Inspected and passed" shall be placed or packed in any can, pot, tin, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this act is maintained, the person, firm, or corporation preparing said product shall cause a label to be attached to said can, pot, tin, canvas, or other receptacle or covering, under the supervision of an inspector, which label shall state the contents thereof have been "inspected and passed" under the provisions of this act; and no inspection and examination of meat or meat food products deposited or inclosed in cans, tins, pots, canvas, or other receptacle or covering in any establishment where inspection under the provisions of this act is maintained shall be deemed to be complete until such meat or meat food products have been sealed or inclosed in said can, tin, pot, canvas, or other receptacle or covering under the supervision of an inspector, and no such meat or meat food products shall be sold or offered for sale

by any person, firm, or corporation in interstate or foreign commerce under any false or deceptive name; but established trade name or names which are usual to such products and which are not false and deceptive and which shall be approved by the Secretary of Agriculture are permitted.

The Secretary of Agriculture shall cause to be made, by experts in sanitation or by other competent inspectors, such inspection of all slaughtering, meat canning, salting, packing, rendering, or similar establishments in which cattle, sheep, swine, and goats are slaughtered and the meat and meat food products thereof are prepared for interstate or foreign commerce as may be necessary to inform himself concerning the sanitary conditions of the same, and to prescribe the rules and regulations of sanitation under which such establishments shall be maintained; and where the sanitary conditions of any such establishment are such that the meat or meat food products are rendered unclean, unsound, unhealthful, unwholesome, or otherwise unfit for human food, he shall refuse to allow said meat or meat food products to be labeled, marked, stamped, or tagged as "inspected and passed."

That the Secretary of Agriculture shall cause an examination and inspection of all cattle, sheep, swine, and goats, and the food products thereof, slaughtered and prepared in the establishments hereinbefore described for the purposes of interstate or foreign commerce to be made during the nighttime as well as during the daytime when the slaughtering of said cattle, sheep, swine, and goats, or the preparation of said food products is conducted during the nighttime.

That on and after October 1st, 1906, no person, firm, or corporation shall transport or offer for transportation, and no carrier of interstate or foreign commerce shall transport or receive for transportation from one state or territory or the District of Columbia to any other state or territory or the District of Columbia, or to any place under the jurisdiction of the United States, or to any foreign country, any carcasses or parts thereof, meat, or meat food products thereof which have not been inspected, examined, and marked as "Inspected and passed," in accordance with the terms of this act and with the rules and regulations prescribed by the Secretary of Agriculture: Provided, That all meat and meat food products on hand on October 1st, 1906, at establishments where inspection has not been maintained, or which have been inspected under existing law, shall be examined and labeled under such rules and regulations as the Secretary of Agriculture shall prescribe, and then shall be allowed to be sold in interstate or foreign commerce.

That no person, firm, or corporation, or officer, agent, or employe thereof, shall forge, counterfeit, simulate, or falsely represent, or shall without proper authority use, fail to use, or detach, or shall knowingly or wrongfully alter, deface, or destroy or fail to deface or destroy, any of the marks, stamps, tags, labels, or other identification devices provided for in this act, or in and as directed by the rules and regulations prescribed hereunder by the Secretary of Agriculture, on any carcasses, parts of carcasses, or the food product, or containers thereof, subject to the provisions of this act, or any certificate in relation thereto, authorized or required by this act or by the said rules and regulations of the Secretary of Agriculture.

That the Secretary of Agriculture shall cause to be made a careful inspection of all cattle, sheep, swine, and goats intended and offered for export to foreign countries at such times and places, and in such manner as he may deem proper, to ascertain whether such cattle, sheep, swine, and goats are free from disease.

And for this purpose he may appoint inspectors who shall be authorized to give an official certificate clearly stating the condition in which such cattle, sheep, swine, and goats are found.

And no clearance shall be given to any vessel having on board cattle, sheep, swine, or goats for export to a foreign country until the owner or shipper of such cattle, sheep, swine, or goats has a certificate from the inspector herein authorized to be appointed, stating that the said cattle, sheep, swine, or goats are sound and healthy, or unless the Secretary of Agriculture shall have waived the requirement of such certificate for export to the particular country to which such cattle, sheep, swine, or goats are to be exported.

That the Secretary of Agriculture shall also cause to be made a careful inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats, the meat of which, fresh, salted, canned, corned, packed, cured, or otherwise prepared, is intended and offered for export to any foreign country, at such times and places and in such manner as he may deem proper.

And for this purpose he may appoint inspectors who shall



be authorized to give an official certificate stating the condition in which said cattle, sheep, swine, or goats, and the meat thereof, are found.

And no clearance shall be given to any vessel having on board any fresh, salted, canned, corned, or packed beef, mutton, pork, or goat meat, being the meat of animals killed after the passage of this act, or except as hereinbefore provided for export to and sale in a foreign country from any port in the United States, until the owner or shipper thereof shall obtain from an inspector appointed under the provisions of this act a certificate that the said cattle, sheep, swine, and goats were sound and healthy at the time of inspection, and that their meat is sound and wholesome, unless the Secretary of Agriculture shall have waived the requirements of such certificate for the country to which said cattle, sheep, swine, and goats or meats are to be exported.

That the inspectors provided for herein shall be authorized to give official certificates of the sound and wholesome condition of the cattle, sheep, swine, and goats, their carcasses and products as herein described; and one copy of every certificate granted under the provisions of this act shall be filed in the Department of Agriculture, another copy shall be delivered to the owner or shipper, and when the cattle, sheep, swine, and goats or their carcasses and products are sent abroad, a third copy shall be delivered to the chief officer of the vessel on which the shipment shall be made.

That no person, firm, or corporation engaged in the interstate commerce of meat or meat food products shall transport or offer for transportation, sell or offer to sell any such meat food products in any state or territory or in the District of Columbia or any place under the jurisdiction of the United States, other than in the state or territory or in the District of Columbia or any place under the jurisdiction of the United States in which the slaughtering, packing, canning, rendering, or other similar establishment owned, leased, or operated by said firm, person, or corporation is located unless and until said person, firm, or corporation shall have complied with all of the provisions of this Act.

That any person, firm, or corporation, or any officer or agent of any such person, firm, or corporation, who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall be punished on conviction thereof by a fine of not exceeding ten thousand dollars or imprisonment for a period of not more than two years, or by both such fine and imprisonment, in the discretion of the court.

That the Secretary of Agriculture shall appoint from time to time inspectors to make examination and inspection of all cattle, sheep, swine, and goats, the inspection of which is hereby provided for, and of all carcasses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products hereinbefore described are prepared; and said inspectors shall refuse to stamp, mark, tag, or label any carcass or any part thereof, or meat food product therefrom, prepared in any establishment hereinbefore mentioned, until the same shall have actually been inspected and found to be sound, healthful, wholesome, and fit for human food, and to contain no dyes, chemicals, preservatives, or ingredients which render such meat food product unsound, unhealthful, unwholesome, or unfit for human food; and to have been prepared under proper sanitary conditions, hereinbefore provided for; and shall perform such other duties as are provided by this Act and by the rules and regulations to be prescribed by said Secretary of Agriculture; and said Secretary of Agriculture shall, from time to time, make such rules and regulations as are necessary for the efficient execution of the provisions of this Act, and all inspections and examinations made under this Act shall be such and made in such manner as described in the rules and regulations prescribed by said Secretary of Agriculture not inconsistent with the provisions of this Act.

That any person, firm or corporation, or any agent or employee of any person, firm, or corporation who shall give, pay, or offer, directly or indirectly, to any inspector, deputy inspector, chief inspector, or any other officer or employee of the United States authorized to perform any of the duties prescribed by this Act or by the rules and regulations of the Secretary of Agriculture any money or other thing of value, with intent to influence said inspector, deputy inspector, chief inspector, or other officer or employee of the United States in the discharge of any duty herein provided for, shall be deemed guilty of a felony and, upon conviction thereof, shall be punished by a fine not less than five thousand dollars nor more than ten thousand dollars and by imprisonment not less than one year nor more than three years; and any inspector, deputy inspector, chief inspector, or other officer or employee

of the United States authorized to perform any of the duties prescribed by this Act who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person, firm, or corporation engaged in interstate or foreign commerce any gift, money, or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a felony and shall, upon conviction thereof, be summarily discharged from office and shall be punished by a fine not less than one thousand dollars nor more than ten thousand dollars and by imprisonment not less than one year nor more than three years.

That the provisions of this Act requiring inspection to be made by the Secretary of Agriculture shall not apply to animals slaughtered by any farmer on the farm and sold and transported as interstate or foreign commerce, nor to retail butchers and retail dealers in meat and meat food products, supplying their customers: Provided, That if any person shall sell or offer for sale or transportation for interstate or foreign commerce any meat or meat food products which are diseased, unsound, unhealthful, unwholesome, or otherwise unfit for human food, knowing that such meat food products are intended for human consumption, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars or by imprisonment for a period of not exceeding one year, or by both such fine and imprisonment: Provided also, That the Secretary of Agriculture is authorized to maintain the inspection of this Act provided for at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment notwithstanding this exception, and that the persons operating the same may be retail butchers and retail dealers or farmers; and where the Secretary of Agriculture shall establish such inspection then the provisions of this Act shall apply notwithstanding this exception.

And the Secretary of Agriculture shall, in his annual estimates made to Congress, submit a statement in detail, showing the number of persons employed in such inspections and the salary or per diem paid to each, together with the contingent expenses of such inspectors and where they have been and are employed.

## POETRY SWEETENS PURE FOOD.

### THE SPOILER.

(With apologies to "The Vampire.")

A woman there was and she wrote for the press  
(As you or I might do).  
She told how to cut and fit a dress,  
And how to stew many a savory mess,  
But she never had done it herself, I guess—  
(Which none of her readers knew).

Oh, the hour we spent and the flour we spent,  
And the sugar we wasted like sand,  
At the hest of a woman who never had cooked  
(And now we know that she never could cook)  
And did not understand.

A woman there was and she wrote right fair  
(As you or I might do),  
How out of a barrel to make a chair,  
To be covered with chintz and stuffed with hair;  
'Twould adorn any parlor and give it an air!  
(And we thought the tale was true.)

Oh, the days we worked and the ways we worked  
To hammer and saw and hack,  
In making a chair in which no one would sit—  
A chair in which no one could possibly sit  
Without a crick in his back.

A woman there was and she had her fun  
(Better than you or I):  
She wrote recipes and she never tried one;  
She wrote about children—of course, she had none;  
She told us to do what she never had done  
(And never intended to try).

And it isn't to toil and it isn't to spoil  
That brims the cup of disgrace;  
It's to follow a woman who didn't know beans  
(A woman who never had cooked any beans),  
But wrote and was paid to fill space.

—The Congregationalist.



# Original Food and Drugs Act Eliminated Standards

The Federal Pure Food Act, as Originally Presented to the Senate by Senator Heyburn of Idaho, Did Not Contain Any Provision for the Fixing and Determining of Standards, by the Federal Authorities.

THE FOLLOWING TAKEN FROM THE DEBATES IN THE SENATE AS PUBLISHED IN THE "CONGRESSIONAL RECORD" SHOW THE OPINION OF BOTH SENATOR HEYBURN AND SENATOR McCUMBER, WHO WERE THE AUTHORS AND CHIEF SUPPORTERS OF THE PURE FOOD BILL.

Vol. 40, Part 3, Congressional Record, Page 2654, Senate Proceedings, February 19, 1906.

MR. McCUMBER.: I do not understand the Senator. The original bill simply provides that a person may use anything. He may use strychnine, if he wants, as a preservative; but the courts must determine whether or not the quantity that is used is injurious to health; nothing more and nothing less. That has been in the bill which I reported time and again, and it has not been changed. It is in the bill pending to-day:

\* \* \*

MR. McCUMBER: Then, as I understand the Senator, he would have Congress fix the standard. The committee thought it best not to allow even the Secretary of Agriculture or his corps of chemists to fix the standard.

MR. MONEY: I think it is better that they should not.

MR. McCUMBER: They did not think it safe for any man or set of men to fix a standard, and therefore they have eliminated any provision that would indicate that any person might fix a standard. Under the bill as it is now reported there is no standard except the standard the court and jury shall determine. Suppose the court and jury should determine that twice the amount of boracic acid would not be injurious, ought the person then to be convicted for using it, even though it was greater than the amount that is stated in the Senator's amendment? I do not believe there is a Senator here who knows what should be a standard, but we can all agree that the courts shall determine with a jury what is injurious to health when used in large quantities.

Right here, if the Senator will allow me, I would refer to the statement made by the Senator from Wisconsin. We do not propose to say what percentage of alcohol there shall be in beer, for instance, to determine its intoxicating qualities, and yet in every state—

MR. MONEY: You would be wise if you did.

MR. McCUMBER: In every state which has a prohibition law or in every county where it may not be prohibited in the whole state, the question is submitted to the court and the jury whether or not the particular ingredient which was sold was intoxicating or not. Of course each jury might find a different standard. That is true in almost every matter under the criminal law where it is not fixed absolutely by the statute itself. It would be impossible for us, it seems to me, who know nothing about these chemicals, to fix a

standard; it would be even worse than giving it to the Secretary of Agriculture.

\* \* \*

MR. McCUMBER: May I ask the Senator a question right there?

MR. MONEY: Certainly.

MR. McCUMBER: The Senator's opening statement was that his bill would not interfere with the police power of the state.

MR. MONEY: I say that yet.

MR. McCUMBER: He said it was carefully guarded for that purpose. Now, as a matter of fact, unless my ability of construction is entirely wanting, that is exactly what it does do and what the Senator's argument leads to. Take the action of the state chemist of the state of North Dakota. North Dakota may have a law that no goods containing boracic acid shall be sold in that state. Now, the Senators' bill is aimed against that law, and provides that if it has not to exceed one-half of 1 per cent it may be sold in that state. The effect of such a law is directly in opposition and infringes upon the laws of the state itself.

There is scarcely a state in the Union that has not got a positive law against the use of any one of the preservatives that are mentioned here. It is clear to me that the object of the Senator's bill is to override those state laws which prohibit the use of those articles and to allow them to go in.

I want to call the Senator's attention to the fact that there are nearly seven pages out of the whole number of pages of his amendment directed simply to the matter how you may obtain samples, and it so guards the use of the samples that no one on earth could ever get into court with one of those samples. You apply a new rule for the courts in the trial and determination of the matter.

The Senator finds fault with any standard that a jury may fix. The jury will have the chemist before them. The chemist will be before the court. The chemist will examine those particular articles. The chemist can be cross-examined before a court, which he cannot be before a department. So it throws every possible safeguard around the man who is accused, and he must be convicted by evidence that will establish his guilt beyond a reasonable doubt. Now, I cannot imagine how he could be more safely guarded than by a provision of that character.

\* \*

MR. HEYBURN: I wish to suggest to the Senator that a serious objection to the fourth provision, on page 13 of his bill, is that it fixes a standard that is not in accord with the standard in most of the states. Most of the states would not permit the sale of articles containing the percentages mentioned in that fourth paragraph.



It would result in the government permitting a manufacturer to ship into the state goods that would be contraband under the state law. That is not fair to the state. It is the object of the pending bill to aid the states in the enforcement of pure-food laws. It should be elastic enough in its provisions to conform always to the limitations of the state law. If you were to undertake to ship into our state goods containing the percentages named in that fourth paragraph, they would be contraband when they arrived in the state and the packages were broken. Now, it defeats the purpose of national legislation to do that kind of thing, does it not?

\* \* \*

Vol. 40, Part 3, Congressional Record, Page 2721, Senate Proceedings, February 20, 1906.

MR. HEYBURN: Mr. President, when I yielded to the Senator from Massachusetts (Mr. Lodge) I was proceeding to consider section 4 of this bill. I feel it due to the conditions to make a statement in regard to the particular provisions of this section, because the newspapers, at least, to some extent, and those who are opposing this bill generally, are charging that by these provisions the power is placed in the hands of one man—namely, the chief chemist, or head of the Bureau of Chemistry—to determine standards, and that it is within his power, under the provisions of this bill, to proscribe articles of commerce and denounce them in such manner as to seriously affect or injure the trade in them. If there is anything that this bill, and especially that this section of it, does not provide, it is for the fixing of standards by anybody. If there is anything that is not provided for or permitted under this bill, it is that the chief chemist, or the chief of the Bureau of Chemistry, shall have power to denounce anything under any circumstances or to place a ban upon anything or, as I stated yesterday, to place the ban of disapproval upon anything. He is given no such power. He is simply the agent of the courts to gather testimony upon these questions for the purpose of being used at the trial in the court room and nowhere else.

He publishes no bulletins in regard to his labors or his investigations of such articles as may come under his charge for that purpose; he takes no proceedings; he exercises no authority either to denounce an article, to stop commerce in it, or in any way to affect it. I feel it due to this bill and to the subject to make this statement at this time in order that if any Senator can find anything in this bill upon which to base a different interpretation, he may have the opportunity of doing so, and in order that the country may understand that this bill must not be confused with bills which have been introduced in this and other branches of the legislative department of this government to provide for the fixing of standards. This bill fixes no standards upon anything; it authorizes no officer to fix any standard. It provides that the courts, and the courts alone, may determine whether or not an article is contraband under the provisions of this act. The object in avoiding any possible construction that might be held to be

fixing a standard was that the bill might never come in conflict with the pure-food legislation of the various states. The states have established different standards, and they have a right to do so. Inasmuch as those standards vary it would be impossible for an act of Congress, a general law, to avoid some conflict with some of those state laws if you should undertake to fix standards.

Vol. 40, Part 10, Congressional Record, Page 2721.

ON JUNE 28, 1906, AFTER THE PURE FOOD BILL HAD BEEN REPORTED OUT OF THE CONFERENCE COMMITTEE DURING THE DEBATE IN THE SENATE, SENATOR McCUMBER SAID:

"Mr. President, the Senate has already passed a pure-food bill. The House then instead of passing its own bill, which had been introduced in the House, took the Senate bill and amended it. They amended it by striking out all after the enacting clause and inserting in lieu thereof a wholly new bill. It so happened, though, that the provisions of the House bill different in only a very few respects from the provisions of the Senate bill, and those differences were mainly in separate sections. So when the conference committee met they took the House amendment as the basis, and as any Senator will see, after reading the bill over, the Senate conferees accepted those portions of the House amendment which were substantially the same as the Senate bill, and the House receded from portions in their bill which differed from the Senate bill. So practically we have back before us, although not in the same form, in substance almost wholly the Senate bill as it passed the Senate. At least there is nothing extending the force of the bill. There is nothing making it broader or protruding it over state lines in any manner.

"We sought in the Senate bill to keep clearly within the provisions of interstate commerce and to avoid going into the state and coming in conflict with the police power of the state. We have retained every provision practically the same as it was in the bill when it passed the Senate.

"Now, what have we eliminated from this bill? provided for the fixing of standards, and it called Senators will remember that the House measure to the assistance of the Secretary of Agriculture certain experts who were to aid him in determining what the standard should be, and also provided that the standards so established by them should be for the guidance of the court. The Senate has always contended that the power to fix standards should not be given to any man, and the House conferees receded from that portion of the House amendment, and it goes out."

#### Was a Double Diagnosis.

The late Ambrose L. Thomas of Chicago once told a story about two doctors.

"To illustrate my point," he said, apropos of an advertising error, "I'll tell you about my friend Bones.

"Bones was taken ill, and, his family physician being out of town, a specialist was called in.

"But the family physician unexpectedly returned, and he and the specialist entered Bones' chamber together. They found the man in a high fever and partially unconscious. Each put his hand under the bedclothes to feel Bones' pulse, and each accidentally got hold of the other's hand.

"'He has typhoid,' said the first physician.

"'Nothing of the kind,' said the other. 'He's only drunk.'"



## APPROPRIATION TO BUREAU OF CHEMISTRY WHAT IT MUST BE USED FOR.

Laboratory, Department of Agriculture: General expenses, Bureau of Chemistry: Chemical apparatus, chemicals, laboratory fixtures and supplies, repairs to engine and apparatus, gas and electric current, purchase of all necessary office fixtures, supplies, and necessary expenses in conducting investigations in this bureau, including actual and necessary traveling and other expenses, telegraph and telephone services, for express and freight charges, labor and expert work in such investigations, in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiment; to continue the collaboration with other bureaus and divisions of the department desiring chemical investigations and to collaborate with other departments of the government whose heads request the Secretary of Agriculture for such assistance, and for other miscellaneous work; for the employment of additional assistants and chemists, when necessary, and for the rent of buildings occupied by the Bureau of Chemistry; to investigate the composition, adulteration, and false labeling, or false branding of foods, drugs, beverages, condiments, and ingredients of such articles, when deemed by the Secretary of Agriculture advisable, and also the effect of cold storage upon the healthfulness of foods to enable the Secretary of Agriculture to investigate the character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the principles which should guide their use, and to publish the results of such investigations when thought advisable: Provided, That before any adverse publication is made, notice shall be given to the owner or manufacturer of the articles in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture, or his representative, either in person or by agent, concerning the suitability of such articles for food, or as to false labeling or branding; to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries. To investigate, in collaboration with the Bureau of Animal Industry the chemistry of dairy products and of adulterants used therein, and of the adulterated products; to determine the composition of process, renovated, or adulterated and other treated butters, and other chemical studies relating to dairy products, and to make all analyses of samples required for the execution of the law regulating the manufacture of process, renovated, or adulterated butters. To study, in collaboration with the Weather Bureau, the Bureau of Plant Industry, and agricultural experiment stations, the influence of environment upon the chemical composition of wheat and other cereals, with especial reference to the variation in the content of gluten, and the suitability of barley for brewing and other purposes. To investigate the chemical composition of sugar and starch-producing plants in the United States and its possessions, and, in collaboration with the Weather Bureau, the Bureau of Plant Industry, and agricultural experiment stations, to study the effects of environment upon the chemical composition of sugar and starch-producing plants. For all expenses necessary to carry into effect the provisions of the Act of Congress of June thirtieth, nineteen hundred and six, entitled "An Act for preventing the manufacture, sale, or transportation of adulterated, or misbranded, or poisonous, or deleterious foods, drugs, medicines, and liquors, and for other purposes," including rent and the employment of labor in the city of Washington and elsewhere; employing such assistants, clerks, and other persons as the Secretary of Agriculture may consider necessary for the purposes named; and the employees of the Bureau of Chemistry outside the city of Washington may, in the discretion of the Secretary of Agriculture, without additional expense to the government, be granted leaves of absence not to exceed fifteen days in any one year, which leave may in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year, six hundred and fifty thousand dollars: Provided, That any sum used for compensation of or payment of expenses to any officer or other person employed by any state, county, or municipal government, shall be reported to Con-

gress in detail, on the first Monday of March, nineteen hundred and eight.

Total for Bureau of Chemistry, six hundred and ninety-seven thousand nine hundred and twenty dollars.

## DR. SADTLER AND OTHERS REPLY TO DR. WILEY.

In spite of the report rendered at Washington, D. C., to the House Committee of Agriculture by Dr. Harvey D. Wiley, chief of the Chemistry Bureau of the Department of Agriculture and the government's pure food expert, regarding the indiscretion of eating things which have had a long residence in a cold storage house, people of Philadelphia may continue eating many of the foods which Dr. Wiley claims are thus contaminated.

Chemists in this city have been analyzing the doctor's report and their verdict is that the cold storage house should fulfill its own mission and be preserved.

For they say it is a mere matter of epicurism whether you eat an egg laid by the hen who was preserved by Noah's forethought or a slab of one of the geese which awakened Rome.

As far as hygiene goes, you may nibble at either of these with perfect impunity so long as it has been boiled after being taken from the cold storage.

"Really, now, isn't Dr. Wiley playing a little to the gallery when he talks about things smelling to Heaven?" asked, with an amused smile, Samuel H. Sadtler, junior member of a firm of consulting and analyzing chemists of which his father, Dr. Samuel P. Sadtler, is head.

It was in the little laboratory at 39 South Tenth street, and as he spoke he looked ruminatingly at the pictures of Huxley and Darwin which hung on the wall.

"It seems to me that your selection of food stuffs should be decided by whether they taste good to you, and not by a chemical analysis. Take, for instance, eggs, which Dr. Wiley says deteriorate as soon as they are placed in the cold storage house. A chemist's analysis does not reveal this state of decay nearly so much as your own taste."

Reading farther on in Dr. Wiley's report that "Fruit is improved and continues to improve for three months," Dr. Sadtler commented triumphantly: "Yes, and after that you don't eat it."

"As for meat, why, it seems to me that you could eat that of one of the primitive mastodons frozen hard in the glaciers for centuries without its doing you harm, provided you boil it before eating."

"What if a tetanus germ does exist in it? Doesn't the boiling make that tetanus germ a corpse and isn't the corpse of a good tetanus germ as good eating as anything else? No, the real danger from eating meat lies in the germ of tuberculosis or something of that kind which is imbedded in its flesh before it goes into the cold-storage house."

"I agree thoroughly with Dr. Wiley's thought that meat after six weeks or two months would probably not have much more taste than a piece of excelsior shavings but I cannot see how it would make dangerous nourishment."

"His objection to gelatine I find is equally inexplicable. For a tetanus germ that might exist in that would not surely survive the process of boiling."

Dr. Sadtler admitted, however, that there might be disease contracted from gelatine in the form of capsules or its introduction into ice cream and candy.

"Of course," Dr. Sadtler said in conclusion, "I am giving a hasty opinion on these subjects and it seems to me that Dr. Wiley's views might be more intelligently commented on by a physician. For it isn't generally included in our line of work to analyze things from a cold-storage house any more than is Dr. Wiley's recent plan of keeping a 'poison squad' around the premises."

Run the risk of getting a few hundred microbes in your system with every meal you eat or starve to death.

So say other prominent physicians and chemists in this city in commenting on Dr. Harvey D. Wiley's opinions as expressed in Washington yesterday.

Men in Philadelphia who know something about the subject were interviewed this afternoon. They all vied in declaring cold storage a bad thing if food is kept that way a long time, but they saw no other way out and it seems to be a case of eating the germs bred in cold storage or going hungry permanently.

"There is no milk kept in cold storage in Philadelphia," said David C. Clegg, chief milk inspector of the Bureau of health.

"The demand exceeds the supply and consequently there is none left to be preserved in cold storage. I believe



Philadelphia to be a very fortunate city in this respect. However, I know that if milk is placed in storage it immediately deteriorates. But we have none of that kind of milk in this city."

E. P. Timmons, a leading oyster dealer on Dock street, does not agree with Dr. Wiley that oysters die within one hour after they are opened, but says that he is satisfied that they are alive and as good as when taken from their shells twenty-four hours later.

"I agree with Dr. Wiley in many of his statements, especially about the danger of shipping opened oysters to the West," added Mr. Timmons. "The oyster can not live long out of the shell and, of course, when they are dead they are not good."

"All oysters shipped should be in the shell, and in that condition they can be kept from two weeks to three months. It is easy enough to tell when an oyster is dead in the shell. They open their mouths when they die."

"The reason I am sure that the oyster out of the shell is alive for a day or so is the fact that if placed in fresh water they will drink it. An opened oyster will stay alive the longest in an earthen jar."

Mr. Timmons denied that Philadelphia is threatened by an oyster famine.

"There has not been enough ice this year to keep the oyster fleets from working," he declared. "The oyster is scarce this year, but there is no famine and none is threatened."

Dr. Wiley's statements as made yesterday were to the effect that eggs and milk and cream begin to deteriorate almost immediately and meats a few weeks after being placed in cold storage. Fruit, he said, is improved by cold storage if not kept over six months. He said opened oysters shipped in buckets are dangerous because they die an hour after taken from the shell. Gelatine was denounced because Dr. Wiley declared it is made of the skin, hides and the scrapings from hides. Tetanus germs have been discovered in gelatine, he asserted.—*Philadelphia, Pa., Bulletin.*

#### DR. WILEY ON "JAVA" COFFEE.

Evidently Dr. Wiley is disposed to amend his views regarding the technical use of the word "Java," as applied to coffees grown in either Java or the immediate neighboring islands. According to the *Tea and Coffee Trade Journal*, whose representative has interviewed the doctor on the subject, he stated "that a more exhaustive study of the facts had convinced him that coffee grown on the forty-four islands and districts surrounding the island of Java might with safety be labeled Java coffee," although he could see no reason why the particular island or district should not be included on the label, thus eliminating all possible attempts to deceive. He took the same general view relative to the situation in Arabia and Brazil. Should a test case ever be brought to settle the Java question, for example, for all time, he was inclined to believe that the decision would depend on the practice of the Dutch East Indian government, on what it officially would designate as pure Java coffee. Dr. Wiley does not believe that any prosecutions will follow so long as ordinary common sense and honesty are shown in the preparations of these labels.

It will be recalled that some time ago the *Journal of Commerce and Commercial Bulletin* explained the position of the trade on this subject and showed that for generations coffees grown in the Dutch possessions in the East Indies have been known and traded in under the generic name of "Java" and those grown in the various provinces of Arabia and Abyssinia have been known and traded in as "Mocha." The original position of Dr. Wiley, as to labels, was that coffee was not "Java" coffee unless it was really grown on Java. His amended opinion is regarded by the trade as very acceptable and once more confirms the opinion that although perhaps actuated by an eye single to professional standards, he is nevertheless disposed to be liberal in his interpretation of the pure food law.—*New York Journal of Commerce.*

#### NEW FOOD BILL KILLED IN IDAHO.

Commissioner A. F. Hitt writes that the food bill introduced in Idaho was killed in the Senate the day before adjournment.

#### TAKING A CHANCE ON BENZOATE.

Manufacturers of preserves and condiments have practically decided to take their chances with the Agricultural Department and Dr. Wiley on the question of the use of benzoate of soda, at least so far as the coming spring pack is concerned. Within the past few days contracts have been made on the condition that the government allows the goods to be sold with preservatives added, and the labels are being printed on that basis, with benzoate and coloring matters declared.

"I want to conform in every way to the law," said one factor in the trade, "but the time has arrived when we must settle the question one way or the other, and in the absence of any definite decision from the department we have concluded to take chances. It seems to me that that is all we can do, for orders must be booked now or never. The people with whom I have placed my contracts will wait as long as they can, but unless some proven preservative is allowed I don't care to handle goods. I tried to secure guarantees that the goods would keep, but the manufacturers would not give them unless benzoate is added. The same applies to goods artificially colored."

The risk involved in this decision is a large one, and if the decision of the government should be unfavorable to the use of benzoate the loss would be enormous. So strenuous is the need for immediate decision and so uncertain is the status of benzoate that it is generally believed Dr. Wiley and the other officials will exercise liberality in their interpretation of the law. What Dr. Wiley told the ketchup men at Buffalo is regarded as virtually a promise to that effect.—*New York Journal of Commerce.*

#### FIGHT FOR FOOD LABORATORY.

In accordance with a report that the Department of Agriculture at Washington will shortly locate a pure food laboratory on the north Pacific coast to handle imported food products, a determined effort will be made by the Seattle Chamber of Commerce to secure the installation of the laboratory at Seattle.

In this connection the following telegram was sent this morning by Secretary C. B. Yandell, of the Chamber of Commerce to Senator Piles:

"Portland is after the pure food laboratory the Department of Agriculture is shortly to establish. Senator Bourne is contending that Portland is entitled on the ground that city imports more food stuffs than Seattle, which is untrue. Every argument demonstrating the advantages of Puget sound over the Columbia river is applicable in this case. Customs house figures available in Washington City bear you out in this contention. It would be a distinct hardship upon both importers and exporters to locate the laboratory in Portland in view of the superior advantages offered by Seattle."

Portland is hard at work to get the laboratory, as is evidenced by Senator Bourne's efforts, and the Chamber of Commerce in that city is using every effort to prevent the location of the plant at Seattle.—*Seattle, Wash., Times.*

#### PURE FOOD LAW.

By actual demonstration the people of this country can not tell much about the pure food law. So far as can be seen by the naked eye, practically no steps have been taken or are being taken for the practical execution of the law. It must be admitted that it looks very much as though all the agitation, legislation, tests and talk on this subject amount simply to sound and fury, signifying nothing of real value. The law is a far-reaching one, and there are many features of it out of which might come great good to the people if its provisions were rightly enforced, which just now seems a very remote possibility. At the same time, it must be admitted that there are some drastic provisions of the law that might bear hard on some individuals. But the only way to determine the good and the bad features of the law is to enforce all of them, and then, after the effects are known, make such legislative changes as experience may show to be for the best of all concerned. It seems, however, that there are interests, and they must be money interests, that do not want the existing state of things changed, do not want the pure food law enforced, and these interests appear to have been strong enough so far to prevent the law becoming of any practical value.—*Anderson, Ind., Bulletin.*



**STATEMENT OF DR. HARVEY W. WILEY  
CHIEF OF THE BUREAU OF CHEMISTRY,  
DEPARTMENT OF AGRICULTURE,  
BEFORE THE HOUSE COMMIT-  
TEE, ON AGRICULTURE.**

PAGE 248 HEARINGS.

The Chairman—Gentlemen, we have Dr. Wiley before us this morning. On page 29 of the bill you will find the estimates for the Bureau of Chemistry. Let us take up this salary roll first. I suppose, as I said to Dr. Melvin yesterday, that your modesty, Doctor, would forbid you to speak about the amount that the Secretary estimates for your salary?

Dr. Wiley—I am not so modest as not to approve it, Mr. Chairman. In that respect I am frank to say that I am a bachelor, and I do not need the money; but I believe that the office ought to be recognized with the dignity of a salary commensurate with the importance of the work.

The Chairman—You would not think that some of the insignia would do as well as a salary?

Dr. Wiley—If you will make it a rank that carries a pension with it on retirement, I am perfectly willing to take that as a substitute. But I am not here as a mendicant, begging for the necessities of life. But after the twenty-four years of service I have given the government, and trying to do the best I could, and especially at the present time, I doubt if there is any bureau of the government that touches the public welfare at so many points as the Bureau of Chemistry, as it is organized under the new laws. We touch all kinds of commerce and trade and industry, all problems of sanitation, and—

Mr. Henry—Do you use the word "touch" in the ordinary acceptance?

Dr. Wiley—No, sir; I will not use the word "touch" to-day in that acceptance. But I should like to see the salary made commensurate with the dignity of the office.

Mr. Henry—What is the present salary?

Dr. Wiley—Three thousand five hundred dollars. And I would be very pleased if you gentlemen would recognize that service by making the salary the equivalent of the usual high-grade bureau chiefs. That is all that I have to say. I will subscribe the \$1,500 to two worthy colleges the day you give it to me, to help education. I will promise you to do that.

**DR. WILEY ON GELATINE.**

In the letter following it will be noted that Dr. Wiley denies having made any such sweeping statements concerning the character of gelatine as have been attributed to him by the newspapers throughout the country.

Here is his letter:

**What Dr. Wiley Said He Said.**

(Copy.)

UNITED STATES DEPARTMENT OF AGRICULTURE,  
BUREAU OF CHEMISTRY.

Washington, D. C., Feb. 2, 1907.

Messrs. Edwin A. Rogers & Co., Boston, Mass.

Gentlemen: In reply to your letter of the 30th ultimo, I have to say that there are many wrong impressions derived of what I said before the House Committee on Agriculture from the newspaper clipping which you sent. I did not say that gelatine factories were the dirtiest in the world; I said glue factories were. It is true that I quoted the report of the Marine Hospital Service, showing that materials with tetanus germs were sometimes found in gelatine. That was the cause of the remark about lock-jaw. The important part of my statement was not published, viz.: *that there was plenty of good, unobjectionable, raw material for making*

*gelatine; that there was no objection to gelatine made from this raw material in a sanitary way; that it was a good food product.*

I note from your letter that gelatine is made from the best selected calf stock. Of course, I do not know what those pieces of calf stock are composed of, but I think they are composed of the hides. If I am in error I shall be glad to be corrected.

My remarks were not made for the purpose of condemning gelatine as a whole, but only that part of it which is made from improper materials or which has been exposed to infection. It is my desire to collaborate with those who are engaged in making the best quality of gelatine, to secure them from competition with the inferior product. I am,

Respectfully,

H. W. WILEY, Chief.

(Signed)

—International Confectioner, March, 1907.

**What Dr. Wiley Did Say.**

**GELATIN FACTORIES THE DIRTIEST IN THE WORLD**

PAGE 273, HEARINGS.

Dr. Wiley—Have you any idea how the GELATIN that you eat is made?

The Chairman—No.

Dr. Wiley—We have found out.

The Chairman—It is made of skins and bones.

Dr. Wiley—Yes, and it is made out of the hides—out of the scrapings off of the hides. These hides go into the tanner's vats, and these hides that smell to heaven are treated and trimmed and these trimmings are used to make GELATIN. The Marine-Hospital Service found tetanus germs in GELATIN.

The Chairman—What kind of factories are they?

Dr. Wiley—THE DIRTIEST IN THE WORLD. They treat those hides with alkali, rub it into the hides for shipment, and then they are scraped and trimmed, and then they put the hides into the tanner's vats and use the residue for gelatin. They make this gelatin sometimes in glue factories. What is not fit for glue is made into gelatin.

Mr. Lafean—You say what is not fit for glue is made into gelatin?

Dr. Wiley—Yes, sir; what is not strong enough for glue they make into gelatin?

Mr. Haugen—What is it used for?

Dr. Wiley—It is used for putting into ice cream and putting into candies and for making capsules that you take your medicine in. There is no objection to gelatin if it is properly made, and it is good and wholesome, and there is plenty of wholesome raw material to make it of.

Mr. Henry—It is made of hoofs?

Dr. Wiley—It is made of hoofs and horns and bones. There is no objection to making it of bones, if they are fresh.

Mr. Scott—I presume that the product that you speak of as containing live germs of various kinds must constitute a very inconsiderable proportion on the market.

Dr. Wiley—No one wants to run the risk of getting lock-jaw by taking a powder or a pill or eating ice cream.

**A Better Money Maker.**

Oxygen Bill—"I suppose you'll soon have a stamp mill up and commence running ore through?"

Pyrites Pete—"Stamp mill, nothing! I'll have a printing press up here by to-morrow and run off a few thousand stock certificates."

Send in Two Dollars and we will send you the entire back numbers of THE AMERICAN FOOD JOURNAL for 1906 and put you on the list for 1907.



**PURE FOOD LAW ATTACKED.**

**Contributor to "Chicago Tribune" Declares Federal Government to Have Overstepped Authority in Legislating as to Adulterations.**

(By Jacob B. Barton, M. D., Sublette, Ill.)

Judging from what newspapers say concerning the complex pure food law, I am led to ask from whence did our national government derive its authority to enforce such a law. Is Uncle Sam a bully, with legal right to knock the hats off any or all the urchins that we call states?

In colonial days there were not only petty neighborhood quarrels, but jealousies and grudges between colonies. There was danger that these might lead to hostilities between the contending parties, and thus expose all to the attacks of Indians and foreign powers who might seek to exterminate or subjugate all. These and other considerations led to the confederation of all.

In this confederation they created a general agent whom we call Uncle Sam. They delegated to him power to declare war, establish and maintain a general postal system, regulate commerce that was to pass from one state into or across another state, levy and collect taxes to defray these and other national expenses. All rights not thus expressly delegated to Uncle Sam were reserved to the states in severalty.

The motto of the state of Illinois, "State sovereignty; national union," correctly represents the interrelation between state and national authorities. I do not manufacture, sell or use strong drink. But I question the right of Uncle Sam to punish me for manufacturing wine and selling it anywhere in Illinois as imported wine. He can tax me, as a manufacturer or dealer in liquors, or compel me, under general law, to put a revenue stamp on every cup of coffee I drink or every glass of beer I sell.

There his jurisdiction ends. He has no power to authorize or prohibit me from selling in my own state whisky that I have adulterated after his agent had inspected, branded and received his tax on the pure. Illinois alone has that power.

If this is true, then our national Congress has either overstepped the line between state and federal authorities or some who write have misunderstood the scope of the law.

**DRASTIC PURE FOOD REGULATION.**

The city council of New Orleans is considering an ordinance giving to the board of health authority to confiscate and destroy all impure, adulterated, decayed or decomposing foodstuffs or liquids, without compensation to the owner. "This," says the *Montgomery Advertiser*, "will be quite a hardship and \* \* looks like carrying good intentions beyond the limits of justice and fairness." Not at all; dealers ought to buy foodstuffs under a guarantee of soundness and purity, and should be held rigidly to account for all deterioration, decay or decomposition after the goods come into their hands. The exact and impartial enforcement of such a law a few times would very surely secure absolutely pure and wholesome food in the shops and the market states.

Chicago is having a fearful experience of too much leniency for dealers in food—milk especially. When the health and lives of the people are concerned, there can be no hardship in exactions upon dealers in food and drink. A law such as that proposed in New Orleans will make dealers very careful to buy and sell only the best and purest edibles, and that is the object of the regulation.—*Chattanooga, Tenn., Times*.

**A FOE TO APPETITE.**

**Pure Food Law Creates Distress Among Lovers of Delicacies.**

"I know that this pure food law is intended to let us all know exactly what we are eating," said a pretty little woman to the friend who sat beside her on a car; "but it seems to me to serve exactly the opposite purpose."

"Yesterday, just a few minutes before dinner, cook came to me in consternation to say that she had just opened the can of tomatoes which the grocer had brought that morning, to find them the most wretched looking things on earth—utterly unfit for use. I sent her in haste to the nearest delicatessen for another, and went into the kitchen to inspect those she would not use. I quite agreed with Maria that the pale, sickly looking things in that can would never have been taken for tomatoes except for the label."

"Maria, however, came back without another can, and with the indignant explanation:

"'Sure the man at the delicatessen says they're all like that now, ma'am, and 'twould be no use to buy others. It's all because of some kind of poor food law that's been passed, the natural color, you see, now,' he says," Maria snorted in he says, and tomatoes in cans can't look red any more. "That's dignantly. 'Just as though,' as I told him, 'I hadn't been raised in the country and seen them growing bright and red many a time.'"

"Well, we served those tomatoes for dinner, and I had the time of my life trying to induce the family to taste them, and explaining that they were just as good, even though they looked so unhealthy."

"But a greater shock was in store for me downtown today, when I dropped in Sand's for a plate of ice cream. I ordered strawberry. The waitress brought a plate of what looked like vanilla with cinnamon stirred through it."

"'That's strawberry,' she assured me, when I protested. 'Pure food law strawberry. The fruit and syrup is there just the same as ever, but we're not allowed to put in coloring matter any more. That nice, bright red you used to see was all coloring matter.'"

"I ate my ice cream, trying to enjoy it just as much as though it had been pretty and pink. Oh, yes, I know the pure food law must be very beneficial, but it isn't a bit appetizing."—*Kansas City, Mo., Journal*.

**THE DIFFICULTIES OF ASTRONOMY.**

Miss Dorothea Klumpke, the astronomer, was talking about the difficulties and intricacies that astronomy presents to the lay mind.

"For instance," she said, smiling, "there is the well known case of the meteorite that fell on a Vermont farm in 1890."

"It was a valuable meteorite and the landlord at once stepped up and claimed it. 'All minerals and metals on the land belong to me,' he said. 'That's in the lease.'"

"But the tenant demurred. 'This meteorite,' he said, 'wasn't on the farm, you must remember, when the lease was drawn up.'"

"The landlord perceived the justice of that claim. He thought a moment. Then he said decisively: 'I claim her as flying game.'"

"But the tenant was ready for him. 'She's got neither wings nor feathers,' he said. 'Therefore, as ground game, she's mine.'"

"They continued their argument, and in the heat of it a revenue officer, arriving with a truck, proceeded to put the meteorite aboard. 'I claim her for the government,' he said, 'as an article introduced into the country without payment of duty.'"

**WHISKY FROM SAWDUST JUST LIKE REAL THING.**

Dr. Wiley, the poison food expert of the Agricultural Department, announced that he had discovered how to make whisky from sawdust. It is not Tenth avenue wood alcohol whisky either, but real portable, scream-water that every one can drink.

Dr. Wiley says it can't be distinguished from the liquor made from corn.

"Just stop to think," he said, "of the millions of tons of sawdust that have gone to waste! It's a shame!"

He smacked his lips regretfully. He says the discovery will lead to a new industry. Look out for the "wooden jag."—*Chicago Examiner*.



# THE AMERICAN FOOD JOURNAL



Published Monthly at 334 Dearborn Street, Chicago

By H. B. MEYERS & CO.

Telephone Harrison 2473

Subscription, \$1.00 Per Year Foreign Subscription, \$1.50

Address all communications and remittances and make drafts, checks and money orders payable to THE AMERICAN FOOD JOURNAL, 334 Dearborn Street, Chicago.

All reading and advertising matter to appear in THE AMERICAN FOOD JOURNAL must be received at this office on or before the 12th of the month.

COPYRIGHT, 1907, BY H. B. MEYERS.

## THE JAMESTOWN EXPOSITION.

Food products are to be given conspicuous space in the Jamestown Exhibition, which opens April 26, 1907. The beautiful building pictured on our front cover is especially constructed to house the food exhibit.

A special building for food products is an innovation in exposition practice. Heretofore, foods and their accessories have been shown in the agricultural buildings, with farm machinery, farm products, etc. The building for foods at the Jamestown Exposition is one of the handsomest on the grounds and occupies one of the most prominent locations. The building is 300 feet long and 250 feet wide, with a floor area of nearly 60,000 square feet of space.

The Jamestown Exposition is held to commemorate the first landing of the English in America at Jamestown Island, which is about fifty miles up the James River from the site of the Jamestown Exposition. The exposition grounds are located on Hampton Roads about six miles from the city of Norfolk, Virginia, and just across the Roads from Old Point Comfort, Fortress Monroe and Newport News, Virginia. The grounds cover some four hundred acres and the exhibit buildings contain much more exhibit space than those erected at the Buffalo Exposition, with which this exposition should be compared with the advantage in favor of the Jamestown Exposition. The special naval and military features, which will be of an international character, insure a large attendance.

## A LAST FOND FAREWELL TO THE AGRICULTURAL CHEMISTS STANDARDS.

A few professional lobbyists will deplore the action of Congress in depriving the Secretary of Agriculture of the authority to fix standards for food. Such sensational magazines as "Success" and "Collier's Weekly" which have been playing the people for suckers for a short season with some success may claim that congressmen were influenced by ulterior motives. The Adams and the Allens may see in the action of Congress opposition to food legislation. The fact is that the power to establish standards was really removed from the Secretary of Agriculture before the Food Law was passed and the 59th Congress simply refused to grant a power which had been withdrawn by its predecessor.

In view of the fact, however, that the omission of

the standard clause did not deter Dr. Wiley from continuing to make food standards, the entire clause was stricken out of the bill this year.

The further publication of official standards is unlikely. It is not considered good diplomacy to defy the United States government. The efforts of Dr. Wiley will now be to save the standards he has already set. Through various sources which have a common center similar arguments are being advanced to show why the standards already promulgated are in force and effect.

The Federal supreme court decision in the *Buttfield vs. Stranahan* case is quoted to prove the constitutionality of standards. This case came up under an act of Congress approved March 2, 1897, in which it was provided that a board of tea experts be created and that these experts recommend to the Secretary of the Treasury uniform standards of purity, quality and fitness for consumption of all kinds of tea imported into the United States, which standards the Secretary of the Treasury should establish or promulgate. The Federal court ruled that the Secretary of the Treasury might establish and enforce standards—good or bad—under that act.

There is, however, a vast difference in the decision validating the Secretary of the Treasury's standards and those of the Secretary of Agriculture.

The power of the Secretary of the Treasury was conferred in an act of Congress; the authority of the Secretary of Agriculture only in the annual appropriation budget, void at the end of the year. It is not conferred in that portion of the appropriation act limiting the expenditures of the Secretary of Agriculture, but in the section governing the expenditures of an interested subordinate.

The authority of the Secretary of the Treasury was conferred for a specific purpose, that is, for the enforcement of a law previously passed. The authority of the Secretary of Agriculture was not conferred for any good reason or for the enforcement of any law—past, present or future.

The tea standard was provided simply to aid in valuation. The food standards aim to be destructive and prohibitive to all articles not meeting the standard.

The authority conferred upon the Secretary of the Treasury was in regard to but one article for a definite purpose and might well be regarded as one of the rules and regulations for the conduct of the office. The authority given the Secretary of Agriculture was for all food products "for the guidance of food officials and the courts of justice," and were to all intents and purposes the same as if Congress had turned over their law-making functions to the Secretary of Agriculture.

Should any standards set by the Secretary of Agriculture under this act go before the highest judicial tribunal, they might receive far different treatment from the tea standard of the Secretary of the Treasury. The tea standard might easily be held as legitimate, proper and constitutional, the food standards as arbitrary, unwarranted and unconstitutional.

It is not denied by the apologists of Dr. Wiley that the standards promulgated at various times under different authority would have a different standing. Those promulgated under the law of 1903 were for the guidance of food officials and the courts of justice. Recognizing that Congress had no constitutional nor moral right to legislate directly or indirectly



for the states, the clause for the guidance of food officials and the courts of justice was stricken out of the appropriation bill the following year. The standards promulgated during this period then could only apply to foreign foods seeking entrance into this country, or to export foods over which the Secretary of Agriculture had some jurisdiction although the whole subject properly belonged with the customs division of the Treasury Department. The inspection of import food was the sole excuse for authority to formulate standards, and that inspection was all to which they could legitimately apply. The National Food and Drugs Act had not been passed nor was it in mind or mentioned when the subject of standards was discussed. Can a law be enforced by rulings made for another purpose before the law was in existence?

This is the status of the standards promulgated before the food act was passed under the authority of the acts of 1903 and 1904. In 1905 the authority of the Secretary of Agriculture to set standards for food was really recalled. This was tantamount to acknowledging that it was wrong ever to have given it. Does it not in effect repeal the standards before promulgated? Again in this year Congress passed the food bill. Although a provision for arriving at just standards for food was incorporated in the house bill and that provision was different from, and better than the method prescribed for the Secretary of Agriculture, it was disagreed to by the Senate and the conference committees, on the earnest pleas of Senators Haybern and McCumber that the bill sufficiently defined adulterations and that the questions of standards of quality should be left to the courts. Here again by omission the standards and the act under which they were authorized were repealed, if it be true, as is our understanding, that later legislation repeals prior legislation in conflict with it.

If any standards have been promulgated the past year or since the standard clause was scratched from the appropriation bill they are promulgated without authority of Congress or the people of this country.

Any appropriation to the Bureau of Chemistry used for the purpose of establishing standards of quality and definitions for foods has been without warrant of law. The subterfuge for the standard clause slipped into the omnibus appropriation bill in the last gasp of the 58th Congress gives no further warrant than to investigate what may be considered *pure* and *adulterated* in food. The 59th Congress took good pains to provide that no subtle substitute would be worked on it.

Even if the food bill authorized the arbitrary fixing of standards by one party, or by a commission, or indicated in the text that it should be enforced by the aid of standards; even if the Secretary of Agriculture were granted the power in the food bill to fix standards and such grant should be within the province of Congress, and also would not cause the Food and Drugs Act to be decided unconstitutional, it is still improbable that any standards that antedated that authority would be legal or binding unless repromulgated by the party to whom the power was given.

The past productions of the standard committee may be regarded as a curiosity in chemical literature or held up as a horrible example of the futility of trying to make a food expert in a three weeks' course, but it is a safe bet that they will not be used to interpret the National Food and Drugs Act notwithstanding the efforts of "all the King's horses and all the King's men."

## ILLINOIS STANDARDS FOR MILK, BUTTER CREAM AND VINEGARS.

At last accounts the so-called administration food bill had been amended to omit all reference to standards of quality except in the case of milk, cream, butter and vinegar. The standards of these were copied after those of the agricultural chemists, except that of butter, which was made to conform to standards of the food chemists and to common sense as well. We were sure Dairy Expert Schucknecht was only suffering from a temporary aberration of the mind when he endorsed a standard of 82.5 per cent fat.

The standards for the remaining three foods are all right, except that the standard for milk is too technical and not practical. It does not conform to any known standard except to the one from which it was copied. Instead of 3.25 per cent of fat the standard should be either 3 per cent or 3.5 per cent; or better 3.5 per cent except during May and June, when it might be placed at 3 per cent.

The standards are all right except cream, for which a standard of 18 per cent fat is illogical. Cream is too variable a commodity to be defined by a single standard. The double standard heretofore in force in Illinois of 15 per cent for coffee cream and 22 per cent for whipping cream would be preferable.

With these exceptions the standards are all right except those for cider vinegar, where the standard of total solids is placed below the standard set by any state, and without reason. Minnesota, New York, and many other states require 2 per cent of total solids. Illinois under the present law requires 1.75 per cent, which has been enforced without dissatisfaction. The standard of 1.6 per cent, as proposed, has only the charm of novelty and opens the opportunity to dilute cider vinegar with acetic acid without detection. The standards for phosphoric acid in vinegar may be satisfactory, but not in a food law, for reasons which will be appreciated by experienced food chemists. It is extremely doubtful if this determination was made in a single sample of vinegar in Illinois during the past year.

## MORE SALARY FOR DR. WILEY.

We are not egotistical enough to believe that our advocacy of an increase in the salary of the Chief of the Bureau of Chemistry had any influence upon the members of Congress, but we are pleased that Congress took the same view of the matter we did and raised the salary of the Chief of the Bureau from \$3,500 to \$5,000 yearly—thus putting it on a par with the other Chiefs of Divisions.

It should not be necessary for the present incumbent, who has held the position for a generation, to donate the increase to charity as he stipulated he would do when applying for the increase. If, as he said, he is a bachelor and has a superfluity of this world's goods, he can probably find some one who will agree to help him spend it. However, it is doubtful even if the justness of the increase would have been recognized by any other than the last Congress. The 59th Congress will be remembered as the most profligate Congress in the history of the United States. It has spent in the neighborhood of \$2,000,000,000.

It appropriated large sums of money for battleships, subsidies, food inspection and free garden seeds, all of which were probably necessary. It indirectly raised the salary of the president by giving him \$25,000 per year for traveling expenses. It raised the pay of the



postal employes. After imploring the Senate in vain to shoulder the responsibility and after trying it on the country first, to see how the people would take it, the House of Representatives in an outburst of generosity raised their own salaries from \$5,000 to \$7,500. The Senators voted themselves a similar raise. Being so well disposed toward themselves they could not courteously ignore the Vice-President, the Speaker and the Chiefs of Divisions.

The only ones who get nothing are the cheap and ill-paid civil service clerks. Perhaps the price of board in Washington was only raised in the New Willard, Shorham and other fashionable hotels.

Those who justly receive a share in the distribution are to be congratulated that their plea for more pay came at it time when Congress felt it incumbent upon themselves to give themselves a raise in salary.

#### **THE RETAILERS SHOULD BE PROTECTED.**

No doubt the retailers have a just grievance in the proposed Illinois Pure Food Law. There should be a guarantee clause of some kind exempting the retailer from prosecution provided he can show a guarantee of some kind from parties residing within the state to the effect that the goods comply with the Food Law and that in such case the guarantor is to be liable to all fines and penalties under the act.

Retailers cannot be expected to keep a staff of chemists to analyze the goods sold to them under the assurance that the manufacturer has complied with the law. The Federal "Food and Drugs Act" recognizes the fact that the whole burden of purity should be placed where it belongs, that is on the manufacturer. They should not be allowed to escape prosecution if they send out impure and adulterated goods and the retailer who purchases them be made to suffer on fraudulent assurance of purity. However, a provision of this kind might invalidate the bill as seems to be indicated by the decisions of the attorney general of Iowa. Ex-Attorney General Hamlin of Illinois, however, believes that a bill can be drawn containing a guarantee clause which will be constitutional.

We believe such a guarantee clause should be limited to goods sold in sealed packages with the seals unbroken. Otherwise the manufacturer may be held responsible for crimes of the retailer.

#### **GROWTH OF BAUSCH & LOMB OPTICAL CO.**

The Bausch & Lomb Optical Co. announce that after March 1, 1907, all orders for their products will be executed direct from their executive office and factory at Rochester, N. Y. Year after year their business with its varied interests has been steadily increasing, and year after year they have added to their manufacturing facilities until the superior quality of their apparatus has gained world wide reputation. It has been their aim to keep in close touch with the trade the country over and to render the most efficient service possible. With the growth of their business they found the facilities at their branch offices inadequate to properly care for the needs of their many patrons. With so extensive a line of products it was impossible to carry duplicate stock at so many various branches. Therefore they decided to concentrate their stock. Kindly address all inquiries and orders to Rochester, N. Y.

Their Chicago office will remain at the same ad-

dress, No. 156 Wabash avenue, until about April 15th, when they move to their new and commodious offices in the Columbus Memorial building, No. 103 State street. This office will be an exhibit depot for their products, where a fresh up-to-date sample line will be kept on exhibition; also new pieces of apparatus as they are introduced from time to time. Their friends and patrons are invited to call.

#### **TAX AMENDMENT KILLED.**

Of late years what is called "talking to the galleries" has been given a high value while true sincerity has depreciated. Jingoism is not as common in the United States Senate as in other assemblies, but here and there, from time to time, it lifts its lusty voice.

Senator Beveridge, the boy orator of Indiana, thinks the people will believe he is "busting the trusts" when he introduces a bill which he says "places the cost of inspection on the packers instead of the government."

Such sophistry will deceive but few.

Whether directly borne by government or the packers, the price is eventually paid by the people and the circuit is not long.

This was shown in the AMERICAN FOOD JOURNAL and Senator Beveridge did not attempt to controvert any principle we established in his talk in favor of his amendment. In fact, unconsciously perhaps, he supported our contention in the strongest possible way by voting to increase his salary because of increased living expenses.

The amendment received the fate it deserved.

#### **PACKERS ICE TO BE PURE.**

Two of Houghtons firms have just placed a contract with Martin brothers, whereby each of them is to be furnished with 200 cords of ice for use during the coming summer. They are the firm of Roach and Seeber and F. Wieber, the local representative of the Swift Packing company.

This ice is to be cut away out in Portage river, three miles from town, where it is as clear as crystal, and owing to the swiftness of the current at that point, practically free from any or all organic deposits which might in any way be a menace to health. This course is taken by the two firms in strict compliance with the spirit of the pure food laws recently put in force.—Houghton and Calumet, Mich., Mining Gazette.

#### **BORDEN CONDENSED MILK CO. FILE GUARANTEE.**

The Borden Condensed Milk Co. announces that they have as a matter of form filed their guarantee at Washington, D. C., which has been recorded as No. 165. As a matter of fact Borden's Condensed Milk Company's guarantee has always been full and complete, based on an unquestioned reputation of fifty years' standing. That, after all, is better than being just legally good.

#### **DISAGREE ON PENNSYLVANIA LAW.**

Reports as we go to press indicate that the Tustin Pure Food Bill in Pennsylvania will have a hard road to travel with little prospect of becoming a law. This bill provides for an advisory board and was printed in our Special Proposed Food Law edition. The hitch is on the clause legalizing harmless preservatives.



**EDUCATE THE EDITOR.**

Just to show how the new pure food law is working, a Kansas paper cites these instances: The new slabs of bacon now come labeled, "Inspected by the United States government." What was called maple syrup last year is now called "Penoche Syrup;" the cheap ground coffee packages now have printed on the wrapper that they contain some chicory. The pickles that used to come in white vinegar are now put up in cider vinegar. Packages of cereals that formerly passed for two pounds, now have printed the weight, twenty-eight ounces, on the outside.—Modern Grocer.

We yield to no one in our interest in a national food law or in our faith in what a good food law will accomplish if properly enforced. Yet it is beyond our comprehension how a paper catering to the grocery trade can deliberately print such trash unless as a "scientific pleasantry" in a spirit of friendly rivalry with Dr. Wiley.

In the first place the food law is not working yet, and is only theoretically in force. Replying to the alleged improvements seriatim:

"Bacon" is not labeled under the food law but under the Meat Inspection Act.

"Penoche syrup" is a table syrup with a national reputation built up years before the food law was passed.

"Ground coffee" in packages was long ago by public disapproval driven from the market, and for several years it has been almost impossible to purchase a package—pure or adulterated.

Pickles are probably put up in white vinegar as heretofore, if they are the best pickles—as white vinegar is the best for this purpose; and at any rate there is nothing to prevent it in any state or national law.

If packages of cereals passed for 2 lbs. previous to the National Food Law they may do so to-day as the National Law only requires that if any weight is stated it shall be the correct weight. No weight need be stated.

If the instructors of the grocers would take pains to enlighten themselves somewhat on the subjects; they talk about they would not absorb the stories which go the rounds with the open mouthed credulity of the *seven year old* listening to the adventures of Jack and the Bean Stalk. Moreover they would not pass them on to their subscribers.

**Denatured Alcohol for Transparent Soap.**

TREASURY DEPARTMENT,  
OFFICE OF COMMISSIONER OF INTERNAL REVENUE,

SIR: You will please inform Messrs. ———, soap manufacturers in your district, that the following formula has been authorized as a special denaturant for alcohol used in the manufacture of transparent soap:

To 100 gallons of alcohol there shall be added 6½ gallons of the following mixture:

Five gallons of commercially pure methyl alcohol, having a specific gravity of not more than .810 at 60 degrees F.

One gallon of castor oil.

One-half gallon of 36 degrees Baumé caustic soda lye.

The denaturing mixture is best prepared by dissolving the castor oil in the methyl alcohol, and then adding the soda lye.

Respectfully, JOHN W. YERKES, *Commissioner.*

Mr. ———.

**THE REMOVAL OF MR. BODEMANN FROM THE ILLINOIS PHARMACY BOARD.**

The removal of Mr. William Bodemann from the Illinois Board of Pharmacy, before the expiration of his term, and without charges against him, by Gov. Deneen—which occurred during the last week of January—seems to have stirred the members of the Pharmaceutical Association of the state (which embraces pretty much every druggist in Illinois) to protest energetically against this high-handed action of the governor. Elsewhere we print the action taken by the Veteran Druggists' Association, and we understand that the Chicago Retail Druggists' Association will take similar action at a special called meeting in the near future. Meanwhile the druggists of the state are being convassed by postal card for an expression of their opinions as to the matter.

The action of Gov. Deneen came as a surprise to everyone, and to none more than Mr. Bodemann himself. He was practically the unanimous choice of the Illinois Pharmaceutical Association to succeed himself on the board, has proven an energetic and able member, and is universally regarded as the man for the place. Hence the surprise felt at the governor's action.

This is ascribed by the Journal of Chicago to personal political reasons—the strengthening of his "pull" in that city. If such is the case, we shall be very much surprised if it does not prove a boomerang.—National Druggist.

**A PUZZLE IN PURITY.**

After all that has been said about the poisoning of the American people by impure foods, drugs and drinks, and in view of the difficulty of securing the passage of the Pure Food Bill, there comes a bit of a shock when we are told that Dr. Wiley, Chief of the Bureau of Chemistry and head sleuth of the adulteration chasers, says that "about 98 per cent of the persons affected by this legislation (the pure food law) are honest. Many persons who were putting impure food on the tables of the public before this legislation was enacted have hastened to make a change in their methods. They welcome the law."

Who, then, were the wretches who year after year headed off legislation and compelled us to load our system with poisons and to unload our pockets by the payment of good money for bad food? We are sincerely pleased to know that these mysterious sinners have seen the error of their way and that the wicked 2 per cent have now joined the 98 per cent of just men who need no repentance. It will save men and dollars in the inspection service.

A universal impulse toward honesty is a better thing than any law or all laws on the statute books.—N. Y. Sun.

**OHIO FORBIDS SACCHARIN**

State Dairy and Food Commissioner Dunlap has taken a firm stand against the use of saccharin in canned fruits. Saccharin is about 500 times sweeter than ordinary sugar, and for this reason has come into large use by fruit canners. It is a benzene derivative—not a sugar at all. Mr. Dunlap will permit the use of no sweetening principle in canned goods but ordinary pure sugar.



## FOOD NOTES

Great Britain exports more horses for food purposes than any other country. They are mostly shipped to France, Germany and Belgium.

\* \* \*

Five thousand diseased rabbits were seized in South Water street, Chicago, and destroyed by the City Health Department.

\* \* \*

The rabbits were proven, on examination by chemists, to be full of the eggs of a species of tapeworm and would have, had they been used for food, endangered the health of many.

\* \* \*

Although Tennessee has had a Food law differing but slightly from the National Food Law, it has not been enforced on account of lack of funds to do so. Representative Currie Dixon of Haywood county is bending his energy toward securing a yearly appropriation of \$3,000 for the enforcement of the law.

\* \* \*

The oleomargarine case brought by the Food Commissioner against E. W. Burger of Beloit, which has attracted such wide attention, has been transferred to the circuit court. The Oleomargarine Association of Chicago is backing Burger and will carry the suit to the supreme court. Ex-Senator Quarles is retained as attorney for the defense.

\* \* \*

The Iowa eggs are strictly fresh. The overripe fruit of the hen has been relegated to oblivion. It is not known whether this state of affairs is due to the operation of the new food law or whether it is due to the fact that eggs are now so scarce that long rows of people lie in wait for the hen to relinquish the popular breakfast food and even the nest eggs are apt to be appropriated.

\* \* \*

Senator Berry introduced in the Illinois legislature a measure designed to protect the honey bees in their search for nectar in the apple orchards. The bill provides a fine for any pomological enthusiast who seeks to grow perfect fruit by spraying with any compound that "may endanger the lives of the honey bees that feed upon the nectar of such bloom, or endanger the lives of those who eat of the honey produced therefrom."

\* \* \*

John A. Green, late president and now secretary of National Association of Retail Grocers, calls attention to the discrepancy in the weight of cheese compared with the weight marked on the package. He cites an instance of where two cheeses sustained a loss of four and one-half pounds, which at 15c a pound meant a loss of about 75 cents to the grocer. However, we have no doubt the vender promptly evened up his cash balance at the expense of the retail purchaser. The loss in weight in this instance was possibly due to loss of moisture and not intentional mismarking on the part of the manufacturer. Some allowance must be made for natural losses in transit. Even our gold coin will lose weight and the atmosphere greedily robs of

moisture all the water-containing substances unless protected by air tight containers.

\* \* \*

England is having trouble with her canned goods. Dr. Collingridge, medical officer of health of London, reported recently the condemnation and destruction of large quantities of essence of beef, 4,512 cans of Christmas pudding and other delicacies said to have been returned military supplies from South Africa. The cans from their outward appearance looked to be in good condition, but upon examination were found to be unfit for food.

\* \* \*

Dr. Netter, a physician of Paris, in a paper read before the Academy of Medicine, cited 120 cases of intestinal disorders caused by eating fresh oysters from oyster beds near Cette. The oysters fed upon and were rendered dangerous for food by the sewage from the town of 35,000 people which flows at this point into the Mediterranean. Numerous cases of typhoid throughout the Provinces were likewise traced to the same cause—the polluted oyster. Too great care cannot be taken in oyster culture and in the careful supervision of the oysters when placed on the market.

\* \* \*

The tin can companies refuse to make a price on 1907 deliveries on account of the uncertainty as to whether they will be compelled to use a three pound coating of tin instead of a one and one-half pound as at present. The tin plate manufacturers can, of course, put any weight of tin on their wares or even gold line them if the government requires, although the output of such goods would likely be limited. The only sanitary question is whether the tin coating protects the contents. Any weight of tin that does keep the contents unchanged must be sufficient and it is doubtful if any restrictions or regulations on the thickness of tin plate will have any legal bearing.

\* \* \*

The fact that Minnesota butter brings half a cent more per pound than ordinary butter means nearly half a million dollars extra on the annual output of that state for this year, i. e., 92,000,000 pounds.

Miller and Holmes, The Crescent Creamery Company, The Milton Dairy Company and F. J. Mumm are four of the best known butter producers of St. Paul and will probably furnish 6,000,000 pounds of butter to the public this year.

At present there are other states which produce more butter than Minnesota, but if the industry continues to grow as it has in the past it may excel in quantity as well as in quality.

\* \* \*

A Pure Food Bill is before the West Virginia Legislature.

"The Food and Drugs Act of June 30, 1906, went into effect on January 1, 1907, with less friction than at first seemed possible," says Good Housekeeping.

"The law forbids railroads transporting for interstate commerce any articles of food which do not comply with the new law. Consequently, country butchers,



small manufacturers and rural shippers in various sections have had their goods refused by the railroads because they did not bear the government label."

["Good Housekeeping" has confused "The Food and Drugs Act" with the "Meat Inspection Bill," this latter bill, only, requiring a label of that character.—ED.]

\* \* \*

A clause in the new Kansas City food ordinance prohibiting the artificial coloring of butter, unless the statement is made on the package that the butter is colored, has raised a howl from the creamery interests. They claim consumers do not want and will not buy white butter, and yet they object to being compelled to admit that their butter is artificially colored. Consistency!—National Provisioner, New York.

\* \* \*

Chief Food Inspector P. J. Murray does not figure in the list of eligibles for the position he holds, which was posted late yesterday by the civil-service commission. Dr. Gottfried Keohler, 93 26th st., is the first on the list. The next two in order are Ross C. Whitman, 1820 Magnolia avenue, and Joseph Weis, 5636 Princeton avenue.

We know nothing of the first two men on the list, but Joseph Weis is a competent man and has been an efficient milk inspector for the city board of health. His appointment will be in the line of a promotion. Mr. Murray is contesting the right of the city to oust him.

\* \* \*

The Bureau of Chemistry, Department of Agriculture, will soon commence an inspection of all goods shipped into California or manufactured in this state.

Ralph A. Gould, who is the chief of this work on the Pacific coast, has had his laboratory heretofore in the building of the Department of Agriculture of the State University, but will be established in the next six weeks in the appraiser's stores in San Francisco and provided with six food chemists to carry out this work.

If goods under inspection are misbranded or adulterated and the fact is not stated on the label prosecutions will be the result, but on the other hand, if adulterated goods be plainly marked as containing adulterants the government is powerless to act.

\* \* \*

Senator McKasson has introduced a pure food bill in the Nebraska legislature which embodies in its provisions all the requirements of the National Food law. The alleged object of the measure is to make State and National legislation uniform. The provisions of Senator Burns' bill, S. F. 64, may be merged with McKesson's measure. The bill stipulates the governor shall be "Food and Drug Commissioner" and shall be allowed a "deputy food and drug commissioner" and a "deputy dairy commissioner each to receive \$1,800 a year and each is allowed a stenographer at \$70 per month. The deputy dairy commissioner is to be appointed on recommendation of the State Dairymen's association. The bill also provides for the food and drug inspectors and three dairy inspectors at \$3 per day and expenses.

\* \* \*

This pure food law seems to stand a good chance of being bent and twisted back into the old impure channel. The law says candies containing chrome yellow, barytes, talc, terra alba, etc., shall be *regarded* as adulterated. "Regarded" is such a nice, tame definition of "denounced."—National Provisioner, New York.

If the National Provisioner refers to the National

food law, we must either consult an oculist or an alienist. As we read the law it says: "For the purposes of this act an article shall be deemed to be adulterated:

In the case of confectionery:

If it contain terra alba, barytes, talc, chrome yellow, or other mineral substances, or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound or narcotic drug.

#### MINNESOTA FOOD COMMISSIONER EXONERATES GORDON & DILWORTH.

Minnesota State Dairy and Food Commissioner E. K. Slater in Bulletin No. 23 makes the following comment on recent samples of cherries, blackberries, strawberries and raspberries put up by Gordon & Dilworth:

"In former bulletins issued by this department several samples of goods shipped by this firm into Minnesota were condemned as containing artificial coloring matter. After a careful investigation the manufacturers discovered that the coloring matter found its way into their product through some goods purchased from another manufacturer. The firm has always enjoyed an enviable reputation and I am pleased to call attention to the quality of the goods just examined. It is but justice for me to state, in view of the condemnation of their goods, heretofore, that the illegality of their goods was due, in my opinion, to an accident rather than an intentional evasion of our laws on their part.

Lab. No. 546—Sweet spiced cherries: Gordon & Dilworth, manufacturers. Legal.

Lab. No. 547—Preserved blackberries: Gordon & Dilworth, New York, manufacturers. Legal.

Lab. No. 548—Preserved strawberries: Gordon & Dilworth, New York, manufacturers. Legal.

Lab. No. 549—Preserved raspberries: Gordon & Dilworth, New York, manufacturers. Legal.

#### NO EAGLE IN THE CAN.

Kansas City is endeavoring to secure an enforcement of the pure food law by means of a city ordinance, but in the details the city's food inspector, Dr. Cutler, is evidently raising the mischief if the reports in a local paper of that city are to be relied upon. According to this authority, the doctor recently seized a can on which there was a picture of an eagle. The doctor's contention was that a label should tell the exact truth about the contents of a can.

Was there an eagle in the can? No, there was not, and not a smidgin of an eagle in it. Then either take the label off entirely or put a sticker on to cover up the picture of the eagle, he said. The new pure food city ordinance would not stand for the picture of an eagle being on a can unless there was an eagle in the contents.

And there was a fishing smack and part of a crew of four in another can? Nary a fishing smack; nothing but oysters. Then take off the label or confess to the buying public that there was nothing in the can but oysters.—The Journal of Commerce and Commercial Bulletin.

#### SOAP AND THE PURE FOOD LAW

Is causing the soap makers to change their dies and wrappers. The government will not allow any soap sold as "medicated" unless it contains curative properties in quantities that are effective. No soap can be marked "pure" unless the formula has been passed on by the Pure Drug experts.

The time will soon come when the cakes will be stamped by government approval.

#### FIRST IOWA FOOD LAW CONVICTION.

Because colored distilled cider vinegar was sold as the pure article Smith Bros., and Burdick company of Davenport, were convicted here by the state food and dairy commission and fined ten dollars and costs. It was the first conviction under the new law in the state. The proper color was given the liquid by the use of burnt sugar.

#### VOTE ON MISSOURI BILL.

The pure food bill passed the house to-day, receiving 86 votes. There was an earnest attempt to defeat it, many of the members changing their votes from aye to no. The measure, however, received fourteen more votes than the constitutional requirements.



# SCIENTIFIC

## INTERESTING CUSTOM DECISIONS.

### Dirt in Nuts.

#### SHELLED NUTS—ALLOWANCE FOR DIRT.

In assessing duty on shelled nuts provided for in paragraphs 269 to 272 of the present tariff act of 1897, no allowance should be made for dirt or other impurities found in the nuts on importation, at least in the absence of evidence of abnormal quantities of such foreign matter or a variation from the ordinary wholesale condition.—Following *Spencer v. United States*, C. C. A. (T. D. 27877), which affirmed *Spencer v. United States* (143 Fed. Rep., 916; T. D. 26974) and *In re Spencer*, G. A. 5943 (T. D. 26090).

United States General Appraisers, New York, February 27, 1907.

In the matter of protests 10974<sup>h</sup>, etc., of *Spencer & Co. et al.* against the assessment of duty by the collector of customs at the port of New York.

Before Board 3 (Waite, Somerville, and Hay, general appraisers; Hay, G. A., absent).

Somerville, general appraiser: The importations consist of various kinds of nuts shelled, which are variously provided for in the tariff act of 1897, paragraphs 269 to 272, inclusive, and which are made dutiable by the pound. Duty was assessed upon the articles on the basis of the weight as returned by the United States weigher. The importers claim that in assessing duty on these goods only the weight of the nuts themselves should be taken, free from dirt, impurities, or foreign substances contained in them. Or at least a fair average or commercial deduction should be made for such foreign substances from the assessed weight.

In the case of *Spencer & Co.*, G. A. 5943 (T. D. 26090), it was held by the board that in assessing duty on shelled almonds, walnuts, and filberts, or other nuts, which are made dutiable by paragraphs 269 and 270 of the tariff act of 1897 at so much per pound, no allowance should be made for dirt or other impurities contained in the goods, claimed to be about 3 per cent. It was held by the board that the case was analogous to that settled by the circuits court of appeals for the seventh circuit, in the case of *United States v. Reid, Murdock & Co.* (120 Fed. Rep., 242; 56 C. C. A., 538), which affirmed in principle the decision rendered by the majority of this board in *In re Hills*, G. A. 4655 (T. D. 22005). It was held by the court in that case that imported currants packed in sacks, which were made dutiable under paragraph 264 of the present tariff act at 2 cents per pound, were dutiable at this specific rate without any deduction on account of dirt or other impurities contained in the merchandise. In that case an application for a writ of certiorari was denied by the United States Supreme Court (190 U. S., 560; 23 Sup. Ct. Rep., 855). This action in effect amounted to an affirmation of the decision of the lower court. The board observed as follows:

"We are inclined to think that the principle settled in the currant case must govern our ruling in this case for the following reasons: First, because the amounts of alleged impurities in the various importations in question are not proved with sufficient certainty; secondly, because no definite and uniform custom of trade is shown to exist by which allowance is made for such impurities; and, third, because it would be impracticable for collectors of customs and appraising officers to ascertain the precise amount of impurities contained in these various importations in the discharge and prompt administration of the duties of their offices, especially where no specific percentages are stated on the invoice."

This decision was affirmed by the circuit court for the southern district of New York in *Spencer vs. United States* (143 Fed. Rep., 916; T. D. 26974). It was held that no allowance should be made for impurities found in imported nuts, in the absence of evidence showing abnormal quantities of foreign matter or a variation from the ordinary wholesale condition.

On appeal being taken to the circuit court of appeals, second circuit, this decision was affirmed *per curiam* without opinion. *Spencer vs. United States* (T. D. 27877). The im-

portations in question all fall within the purview of this decision.

The protests are accordingly all overruled and the decision of the collector affirmed in each instance.

### Thick Soy.

Appeal directed from decision of Board of United States General Appraisers, G. A. 6550 (T. D. 27944), involving the dutiable classification of so-called thick soy.

Treasury Department, March 4, 1907.

Sir: The Department is in receipt of the decision of the Board of United States General Appraisers, G. A. 6550 (T. D. 27944), of February 21, 1907, wherein it is held that certain so-called thick soy imported from China, having in part as component materials thin soy, or the ingredients of thin soy, which is concededly a sauce, is not similar to the latter in the use which distinguishes it as a sauce, is not similar to the latter in the use which distinguishes it as a sauce, and is therefore not dutiable as assessed under paragraph 241 of the tariff act, but as a non-enumerated unmanufactured article at the rate of 20 per cent ad valorem under section 6 of the said act.

In view of the importance of the issue, you are hereby directed to file an application for a review of the said decision of the Board of United States General Appraisers in accordance with the provisions of section 15 of the customs administrative act of June 10, 1890.

(44775.)

Collector of Customs, New York.

Respectfully,

JAMES B. REYNOLDS,

Assistant Secretary.

### Rotten Fruit.

United States vs. Courtin.

U. S. Circuit Court, Southern District of New York. February 21, 1907. Suit 4261.

ROTTEN FRUIT—FRUIT DESTROYED BY HEALTH OFFICERS—NON-IMPORTATION.

The rotten portions of imported fruit, which are condemned by local health authorities after the issuance of a tropical permit of delivery, but while the merchandise is being unloaded, *Held* not dutiable. The law is complied with if the government receives duty on the entire amount of fruit which comes into the country as such.

On application for review of a decision of the Board of United States General Appraisers.

The decision below, which is reported as G. A. 6356 (T. D. 27324), reversed the assessment of duty by the collector of customs at the port of New York on fruit imported by Courtin & Golden. Note T. D. 27353, directing the application for review.

D. Frank Lloyd, assistant United States attorney, for the United States.

Henry S. J. Flynn, for the importers.

Hough, District Judge: Certain pineapples in crates having been brought into the United States by the appellees, a considerable portion of the same were destroyed by a representative of the health department of the city of New York as not being "fruit \* \* \* sound, wholesome, and safe for human food" (sanitary code of New York City, sec. 42). The method of condemning the fruit was to examine each crate, and if a considerable portion of the contents thereof appeared to be decayed, the whole crate was condemned and the ship upon which it was found required to convey the same again to sea and dump it overboard. This condemnation took place while the goods were being unloaded, and after a "tropical permit" for the unloading thereof and delivery to the importers had been granted by the custom-house. This appeal raises the point whether any rebate or reduction in duties should be allowed to the importers, inasmuch as the pineapples in question were freed from customs supervision by the granting of the "tropical permit" above referred to. The evidence leaves it undoubted that no portion of the condemned goods ever passed into the actual control of the importers or became a subject of commerce within the United States.

The action of the health department of this city clearly was a lawful exercise of police power, and, in my opinion, this case is entirely within the doctrine of *Lawder vs. Stone* (187 U. S., 281). The facts in that case were indeed quite different, but the doctrine as interpreted in *Stone vs. Shallus* (C. C. A., 4th circuit, 143 Fed. Rep., 486; T. D. 27133) is directly applicable. In the *Shallus* case the importation was of oranges in boxes, and the "shortage by rot was not discoverable or discovered until those boxes were opened under the supervision of the government inspector." I think it makes no difference whether the rot was discovered under the supervision of a government inspector or under the lawful supervision of an inspector of the health department, as long as it was discov-



ered before the rotten article had passed into the actual control of the importer. Before these pineapples could be lawfully used by the importer they had to pass not only the Federal customs officers, but also the lawful police authorities of the city of New York, each standing at the portal of the country and each authorized to forbid admission. What was dutiable in the Shallus case (*supra*) was "pound of oranges imported;" what was dutiable in this case was packages of pineapples, and if the government received "the full duty leviable upon the entire [number of packages of pineapples] which actually came into the country as such," I think the law is complied with.

The decision of the Board of Appraisers is affirmed.

#### Denatured Alcohol.

Denatured alcohol used in laundering collars, etc., not regarded as used for manufacturing purposes.

Treasury Department,

Office of Commissioner of Internal Revenue,

Washington, D. C., March 2, 1907.

Sir: In reply to your letter of the 28th ultimo, you are informed that completely denatured alcohol used by laundrymen in dampening collars, etc., to be laundered, is regarded by this office as used for mechanical purposes, rather than for manufacturing purposes, within the contemplation of the denatured alcohol act of June 7, 1906. Permits in such cases, therefore, are not required.

Respectfully,

JOHN W. YERKES,  
Commissioner.

Mr. JOHN G. WARD,

Collector Fourteenth District, Albany, N. Y.

#### VERMOUTH NOT A WINE.

A decision involving the question whether Italian vermouth is to be considered as a "sparkling or other wine" within the meaning of the War Revenue Act of 1898, has been handed down by Judge Hough, in the United States Circuit Court, in a suit brought by W. A. Taylor & Co. against Charles H. Treat, as collector of internal revenue in New York City. Mr. Treat is now United States treasurer.

The plaintiffs alleged that while the act was in force the collector compelled them to pay for and affix to bottles of vermouth imported by them stamps to the value of \$7,603.20, for which amount they brought suit, declaring that vermouth is not a "sparkling or other wine" within the meaning of the statute. Judge Hough allows the complaint, and decrees judgment for that amount, with interest from the date of the demand, June 27, 1902.

The case was tried before the court without a jury, the government being represented by Assistant United States District Attorney D. Frank Lloyd and Charles Duane Baker, and the importers by Comstock & Washburn. In its opinion the court holds:

"As to the composition and principal ingredients of vermouth there can be no doubt, whether the French or Italian article be considered. The basis of manufacture is a white wine, frequently a blend or mixture of several wines of varying cost, to which is added sufficient alcohol to raise the spirituous proportion to about 15 per cent, and the mixture is completed by the addition of herbs, spices and sugar in quantities and proportions depending on the manufacturer's taste and tradition; but always including some wormwood, from the German name for which plant the finished product takes its title; both name and thing have been known in the countries of origin for more than one hundred years.

"It is, I think, proven that while both here and abroad vermouth is commonly referred to by that name only, the complete title of the product is in Italy 'vino vermouth' and in France 'vin de vermouth'—names sufficiently recognizing its vinous nature. It is not shown to be native to other countries. In consumption it appears to be used in Latin countries as a beverage in like manner as wines of similar strength, but in the United States it has not received wide recognition except as a component of the native 'mixed drink.'

"In American commercial usage, as evidenced by trade circulars and advertisements, it is never classed with wines, and if with any other drinkables with cordials and liqueurs, but usually it figures alone, as though *suis generis*.

"I therefore find that the fluid has no other trade name or fame except as vermouth simpliciter, and is, in the minds of American dealers and consumers, an article of its own class, having no more mental relation to wine than chartreuse has to brandy. \* \* \* In my opinion the defendants are overwhelmingly entitled to judgment upon consideration of past tariff legislation on this subject."

#### CONDEMNATION OF SOUR MEAT.

The National Provisioner says that among the difficulties packers and curers have experienced since an army of new and inexperienced government inspectors was turned loose in their plants has been the wholesale condemnation of what is known technically in the trade as "sour meat." The term would frighten the average kid-glove "investigator" of the meat business, and it would and has offered one of the several opportunities for the over-officious new inspector to convince Washington how zealous he is in earning his salary. A little education on the subject and a right understanding of the facts at Washington will doubtless relieve the trade of the hardships of which they have complained in this instance.

Sour meat is usually joints which have not been thoroughly chilled before being put in pickle or dry salt. Consequently before the salt has reached the center a gas has accumulated. And perhaps a slight change in the tissue is present in either case to the extent admitted by the degree of inefficient chilling the meat has received.

Frequently packers pump a small amount of a saturated solution of salt to these uncertain parts so as to prevent "souring," not being confident that the animal heat has been positively eliminated; or perhaps the temperature has not fallen satisfactorily. Then again as a precaution many packers spread, singly, heavy and joint cuts for a number of hours after cutting and before putting in "cure" in a temperature lower than that of the regular chillrooms. Sometimes hogs are in such a condition through unusual exercise, heat, etc., and then perhaps the chillrooms are not at their best; the elimination of the last vestige of animal heat is not a certainty, hence these precautions. Yet the fact remains that after all has been done there will still be "sour" meats.

#### CURING DEPENDS LARGELY ON COOLING.

The success of curing—that is, having all meats sweet and none sour, though it be ever so light—depends to a great extent upon the efficiency of the chillrooms and the skillful care and proper attention given the matter by the person in charge, who must be thoroughly experienced, as the conditions to be considered are numerous and variable. The elimination of the animal heat must be steady, positive and continuous, until the most inaccessible points are at a temperature of 40 deg. F. or under.

Usually the process extends through 48 to 60 hours, and the temperature of the meats is often then not far above freezing point. It is most desirable to have the skin of the hog moist throughout the process of chilling and cutting. As the inspector belonging to the packinghouse (the packers' own employe) goes through the meats with his trier after they are cured and are ready to ship or smoke, he throws out of the first grade all meats which are bruised, sour and undesirable in appearance, such as rough skins, etc., no matter how slight the object may be—perhaps merely a suspicion—for no house will take any chances of destroying the good name of its first brand of meats.

These "throw-outs" are graded, speaking especially of "sour," as "light," "medium," and "heavy sour," as applicable to condition, not weight. A "light sour" will nearly always come out of smoke without any smell or taint being perceptible. The ever so slightly objectionable smell found by the inspector (whose sense of smell is so highly developed that he will put aside hams an ordinary packinghouse man could not



find anything the matter with at all )proves to be a slight accumulation of gas formed, no doubt, by vestige of animal heat being present at that point when the meat was put in cure.

#### SOUR MEATS NOT UNWHOLESOME.

Such meats are not in any sense unwholesome. A "light sour" which will not smoke out is seldom depreciated much in value, the damage being so slight; as, for instance, with a ham showing a small exterior bruise extending no further than immediately under the skin. It is really of no consequence, nevertheless such are not put in the very first grade of meats. The slight smell which is found in the "light sour" after smoking is generally located in or near a joint, and there may be a trifle of meat immediate thereto very slightly affected.

A "medium sour" has a more pronounced smell than a light, and a larger area is affected, usually at the same point. When these meats are cooked there is little, if any, trace of sourness, though perhaps the appearance at that point is a little grayish. Epicures have declared that a slightly soured ham upon cooking acquires a peculiarly desirable flavor. A "heavy" or "third-grade sour" piece of meat is a trifle more "aged" than a medium, but after being boned and the parts affected trimmed out this ham rolled and boiled is perfectly palatable and entirely wholesome.

These grades of meats are a very small percentage of the whole, and that percentage, with constantly improving refrigeration, is fast growing less. Sour meats are the product of perfectly healthy hogs, but the result sometimes of a little carelessness or hurry-up process in chilling and sometimes owing to not being fully cured before smoking. Sour meat is not necessarily decomposed meat, even ever so slightly, and the trouble is always local and of small area. As has been said, it does not affect the meat's wholesomeness.

#### THE FUTILITY OF FOOD.

Dr. Rullison of Toledo is unique among physicians in that he follows his own prescriptions. We are all familiar with the type of doctor who, after telling a patient that everybody eats too much, proceeds, himself, to surround a seven-course dinner, or his colleague, whose most violent form of exertion consists in riding about in an automobile, who urges his patients to walk five miles a day if they would retain their health. Dr. Rullison not only preaches the benefits of a moderate regimen, but has put into practice his unpopular doctrine by abstaining from food for the period of 34 days, and intends to continue abstinent for nobody knows how many days more. "How do I feel?" the doctor is reported as saying. "Why, I feel like a boy again. I hope never again to yield to the tyranny of false hunger. The average man eats ten times more than he should. He should reduce his rations materially and then fast for a month out of every year." An observer states that the doctor's skin is "clear and smooth, his eyes bright and his face glowing with health."

Butchers, bakers, grocers and milkmen may well tremble at the propagation of Dr. Rullison's doctrine, but the rest of us, who find eating more expensive every day, will accord it a warm welcome. Food is a luxury, not a necessity, says Dr. Rullison. When the prices of milk and butter, eggs and meat, seem to have taken "Excelsior" for their motto, we can simply "cut them out" as we do candy or cigars dur-

ing hard times. Man has always been fond of food, but he has made the serious mistake of regarding it as indispensable to his existence. If Dr. Rullison can only refrain from eating for a few more months and continue to grow fat and ruddy, he will have dealt the beef trust barons a blow beyond the powers of an army of Upton Sinclairs armed with rapid-fire fountain pens.—San Jose (Cal.) Mercury.

#### PRUSSIAN BAKERIES ARE FILTHY.

##### Boys Knead Dough with Feet—One Plant Used as Hen Coop.

The Prussian medical department has issued a report on the sanitary condition of bakeries and slaughter houses, to which the newspapers are giving sensational prominence, one of them using the caption "America in Prussia." The report sets forth that many of the butchering establishments were found in an unclean condition. Some of them were located in dark cellars, where cleanliness was impossible, and others had no facilities for employes to wash themselves.

Government inspectors found particularly objectionable conditions in the bakeries. In one town boys kneaded the dough with their feet and one bakery was occupied by cats and hens. In another town a baker's oven served, ad interim, as a goose pen. In many places bakeries were found in close proximity to the insanitary appurtenances of the house. One baker admitted that his floor and vats were scrubbed only once a year.

#### NEW YORK STATE PURE FOOD LAWS.

Bills have been introduced in the assembly by Mr. Oliver and by Mr. Cuvillier and in the senate by Mr. Frawley which are labeled pure food acts. The long fight in Congress for a national pure food law has predisposed the public to favor pure food legislation in the states. In order to complete the regulations, it is, in fact, necessary that state laws supplement those of the United States. It will readily be appreciated, however, that the greatest confusion would result if the nation should make certain regulations and each of the several states certain other regulations. An article might pass national inspection and its sale still be illegal in any state. Or it might satisfy the laws of one state and be placed on the blacklist in another.

There are very few industries of importance nowadays which do not do an interstate business. For this reason it would be the wisest public policy to make the pure food laws of the states mere adaptations of the national pure food law. By this plan there would be secured uniformity, which is essential to the practical operation of such laws. Moreover the plan would be economical for the states, since it would avoid the necessity of maintaining any large force of inspectors. The national inspection would be accepted by the states.

New York should take the lead in this matter. It should not enact any pure food law which would involve the employment of a large force of state inspectors and would hamper interstate commerce by attempting to impose regulations other than those of the national law.—Buffalo Express.

#### BOASTING DAIRYMAN ARRESTED.

As a result of a public boast of Wm. Wade, of Greenville, that he has been adulterating his milk with water, a state deputy food inspector, conducting an investigation in Bond county for several weeks, filed four informations in the county court against milk sellers.

Wade openly made the declaration at a public meeting of dairymen and farmers several weeks ago that his cows gave milk so rich that he was enabled to mix in a quantity of water and still have his product pass the test at the creamery. —Carlinville, Ill., Enquirer.



## SECRETARY WILSON ON THE LAW AS IT RELATES TO SUGAR AND MOLASSES.

The national pure food and drug act of June 30, 1906, does not treat of sugar and molasses separately. The provisions of the law apply generally to foods, there being only one exception in this regard, and that is one clause relating to confectionery. The regulations which are made under the law, of course, have the force of law until they have been overruled by a decision of the courts. It follows, therefore, that in the production of sugar and molasses the same principles must apply as in the production of any other food product. If the law places no limitation on the use of sulphur, tin salts, bluing, etc., used in the manufacture of sugar and molasses, it does not place any limitations on similar substances used in other food products. Any ruling, therefore, which is made respecting the use of these bodies in sugars must be admitted with equal force to all other bodies.

We have on file in this office protests against the exclusion of every known substance which has been used in the adulteration of foods, and if all should be considered favorably the law would be entirely ineffective. There is no doubt that under this law any substances added to sugar and molasses which are injurious to health are in the future to be excluded. Regulation II says that "no substance may be mixed or packed with a food product which shall reduce or lower its quality or strength." Not included under this provision are substances properly used in the preparation of food products in clarification and refining and eliminated in the further process of manufacture. It is evident, therefore, that all substances used for clarifying or refining in the manufacture of sugar and molasses and which are eliminated in the further process of refining are not to be considered in the execution of the law.

### FOUND SULPHUROUS ACID, SALTS OF TIN AND COMPOUNDS OF ZINC.

From the information which I have at hand I find the following substances are probably present in a large quantity of molasses manufactured in Louisiana, namely:

First—Sulphurous acid coming from the burning sulphur used in sulphuring the juices as they are expressed from the canes.

Second—Salts of tin, which are occasionally, perhaps frequently, used in washing the sugars in a centrifugal, and which remain in toto in molasses.

Third—Compounds of zinc and sulphurous acid which are used to a large extent in the bleaching of molasses. I am fully convinced, from the information which is at my disposal, that all of these substances are injurious to health. Under the law it is no excuse for their presence that they are in small quantities, because, if we admit the principle that an injurious substance may be allowed in small quantities, there is no dividing point at which those wishing to use these substances would agree, except a quantity so large as to be positively and permanently injurious. It is undoubtedly the intent of the law that the use of these substances be eliminated.

Having thus laid down the broad principle on which the law is to be enforced, attention should next be called to the actual condition of affairs, with a view of securing the enforcement of the law in such a way as to work no injury which can be avoided and to give ample time and opportunity for manufacturers to change their methods in such a way as to comply with the requirements of the law. We have evidence to the effect that the final molasses; that is, after the removal of two and sometimes three crops of sugar, resulting in the manufacture of sugar in Louisiana, is not used to any extent in the state itself, except perhaps to give to the lowest class of laborers and feed mules. We have also evidence that immense quantities of molasses of this kind are consumed in New Orleans, especially in the manufacture of a neutral spirit or in the making of rum, and that other large quantities are used as cattle foods, showing that there is a market for this kind of molasses which does not depend upon human consumption.

We have also experimental evidence to show (and this evidence was obtained by the department itself) that from the sugar cane which grows over large areas in Texas, Louisiana, Georgia, Alabama, Mississippi, South Carolina and Florida a fine table syrup can be made without the use of chemicals at all (or at most with only a little lime, which is eliminated in the process of clarification), which is pure, wholesome and wholly unobjectionable as a human food.

It is thus seen that there will be no deprivation in the way of human food by the final exclusion for food purposes of

molasses containing the injurious ingredients to which I have referred.

In regard to the action of the chemist charged with the inspection of imported food products at New Orleans, I may only say that he was not authorized by this department to make any statements concerning what the attitude of this department shall be, and I have directed the Chief of the Bureau of Chemistry to inquire of him respecting the statement that he has made: "No hardship as far as present crop is concerned."

I reach now the most important part of your letter, namely, the attitude of this department respecting the crop which is now on hand. I am collecting further information which will affect the attitude of this department with respect of all food products into which sulphur has heretofore entered during the process of manufacture in the form of burning sulphur. These products include not only molasses but also evaporated fruits and wines. It is the purpose of the department that in cases of this kind, where goods had already been manufactured by methods in common use, before the law had gone into effect, to give the very greatest possible freedom under the law for the utilization of these foods. The inspecting officers of this department, when they are appointed and inducted into the duties of their office, will ascertain, as far as possible at the time of inspection, the time at which the particular article was made. In point of fact, however, the quantity of sugar made and sold in this country, without passing through the hands of refiners, is almost nil, so that, as the conditions stand at the present time, all the sugar, practically, which is used in this country is refined. For instance, in the city of Washington I doubt if you could find advertised or on sale a single pound of unrefined sugar. During the sugar season I am aware that considerable quantities of sugar are sold directly in Louisiana for consumption and the beet sugar factories of the country also sell considerable quantities for direct consumption. As far as the beet sugar is concerned, the refining is done practically at the factory, and the same is true, I imagine, of the cane sugar sold directly.

There is no ruling of this department under this law that could possibly diminish in any way the amount of such an output, and, for one, I should like to see it enormously increased. The beet molasses, however, resulting from the manufacture of sugar, does not enter into consumption; that is, by man. A part, I believe, of the molasses resulting from the manufacture of refined sugar in Louisiana does enter into consumption and contains the bodies, or at least some of them, to which I have alluded above. Your notion that sulphur is a good medicine has no force in this discussion, since drugs and foods are treated as distinct substances under the act. The act does not permit the unlimited introduction of medicines into foods; in fact, it prevents it. I therefore am unable to agree with you in your contention that the quantity of sulphur used in Louisiana in the clarifying juices is innocuous. Should I admit this, the whole superstructure of the food law would fall.

I am not ready yet to issue a decision that sulphurous acid is injurious because I am collecting further evidence from every available source. Pending the issuance of any decision I am considering the advisability of publishing a statement permitting the presence of a certain minimum quantity of this acid in foods, provided it be named plainly upon the label. When the final decision is made, if it be adverse to the use of sulphurous acid, ample notice will be given to dispose of stocks on hand or already made under the provisional ruling outlined above. This arrangement, it appears to me, will be fair to all parties.

"Finally, I may say that it will be two or three months before the inspection service of this department is organized. By that time practically the crop of Louisiana will be disposed of, and I can assure you, and, through you, your people, that their interests will be carefully looked after by me in the enforcement of the act in order that no injustice may be done.

### FIND SOME IMPORTANT FLAWS IN SECRETARY WILSON'S FACTS.

Commenting on the letter to the New York Journal of Commerce and Commercial Bulletin, N. W. Taussig, of New York, president of the Molasses Refiners' Association, said:

"The government proposes to prohibit the use of everything in the manufacture of sugar except a small quantity of lime, eliminating the use of sulphur entirely on the ground that the Agricultural Department, in charge of Secretary Wilson and Dr. Wiley, made, as an experiment in 1905 at Waycross, Ga., 12,000 gallons of syrup without the use of any reagent whatsoever, Dr. Wiley claiming this was a pala-



table and good quality, and we ought to make just such syrup for table use.

"Sulphur has been used in Louisiana upwards of fifty years, and without its use the planter would not be able to make grocery grades of sugar or molasses, but would be forced to manufacture 96-test raw sugar for refining, and the residuum would be blackstrap molasses for distilling purposes. The average price of grocery molasses produced by the planters this year was 27 cents, whereas, if he had made blackstrap he would have got about 5 cents a gallon, and under this ruling would have had to sell his sugar to the refinery for what the refiners chose to give.

"The difference between raw sugar in New Orleans and in New York is about 3-16 of a cent against this market. There is a small percentage of the large planters in this state who might be satisfied to manufacture 96-test sugar and blackstrap molasses, as they contemplate establishing a sugar refinery of their own to utilize the 96-test sugar and a distillery to utilize their own blackstrap molasses. By far the largest percentage of the planters are in no position to do this, and they would be forced out of the business or forced to grow cane for central factories, and the investment in their sugar houses would be entirely lost.

"The fact of the 12,000 gallons of syrup manufactured at Waycross is that although it cost the government \$30,000 to manufacture it, it was finally sold to a merchant at Montgomery, who had to mix it with Louisiana molasses, so that it would go into consumption, as he could find no customer for it in its natural state."

### TO AUTHORIZE AND REGULATE ADULTERATION.

As our readers are aware we have over and over again made it clear that there is no such thing as purity, either actual or possible, in food or in anything else, the food consumed by civilized man being invariably more or less prepared and treated and modified from its primary condition, and that qualifications such as wholesome, deleterious, innocuous or poisonous, are very largely matters of opinion, on which equally competent authorities differ widely; so that no effective legislation based on these terms can be deemed practicable. The interest of manufacturers requires that they should devote their best efforts to placing their products on the market in desirable and attractive condition, and toward this end they naturally act under the most reliable scientific advice that they can procure. That the advice of such expert specialists can be improved on by government chemists with no such particular knowledge we are unable to make out, and are unwilling to admit. A general law must either leave conditions pretty nearly as they are, or be so administered as to constitute a serious interference with the food industry. In either case it is bad legislation. The best that can be done in the matter of the regulation of food, we have always contended, is to forbid the sale of articles under certain specific conditions which are deemed to be unquestionably injurious, among which as the most objectionable we have mentioned canned salmon that has been reprocessed or "done over" as it is technically designated. Such a policy, however, would no doubt not offer an equally good field for graft.

The national food bill, nevertheless, as it was enacted was drawn upon the plan of defining general principles that should govern the sale of foods; and we predicted consequently that it would not prove a success in administration, though excellent to talk about to ignorant people. The regulations that have since been issued for its enforcement strengthen us more than ever in our previous conviction; showing the law in the light of being an enactment not to give us pure food, but to authorize and regulate the sale of adulterated articles.

A glance at the preamble of the bill as given in regulation 1, which states that the bill is to regulate the traffic in adulterated, or misbranded, or poisonous or deleterious foods, shows this in a rough way to be the case. This conviction is confirmed by a reference to regulation 14, section a, providing for the use under conditions of poisonous preservatives; while section 15 constitutes the Secretary of Agriculture the judge of what colors and preservatives may be embodied in foods. Now the understanding upon which this pure food agitation was started was that no such things as colorings or preservatives were to be allowed in foods, and Dr. Wiley himself has stated over and over again that there was no necessity for such things. Yet here are actual provisions made for their employment! Does this not prove the correctness of our statement that there is no such thing

possible as pure food, and that the entire agitation was, like silver inflation, a grafting fake?

We have not attempted to make any critical comparison between the regulations now submitted and the provisions of the bill. That will naturally be attended to by those interested at their respective points. But there is one thing that we should like our readers to bear in mind, which is that the greater portion of the regulations are applicable only in the territories and the District of Columbia. So far as the states are concerned the bill only applies to goods that are being shipped to other states or received from the same. Distribution and sale within the states the bill cannot affect. That is the province of the states themselves.

Regulations 17 and 25 appear to require that all the component parts of a mixture, and their proportions, shall be stated on the label, or in other words that the manufacturers' formulæ shall be thrown open to everybody. We think that this is contrary to the understanding that was arrived at. We do not believe it to be equitable, or that it is provided for in the bill; and the natural inference, if this is the case, is that it will not be sustained by the courts. This is leaving out of view the question as to whether it is possible to describe on a small label the great variety of substances that are contained, for instance, in Worcestershire sauce. The public, besides, we believe, does not want such minute information, and has never asked for it.

Imitations are things that Dr. Wiley sincerely detests, and that he stamps as fraudulent in the present regulations. Yet the slightest reflection will show that all improvement must, as a rule, partake of that description, and that the man who produces for less cost a serviceable substitute, or imitation, is a real benefactor. Forbid it, and enterprise must stand still or be seriously handicapped. Very many American products and most Californian ones are in reality imitations of others previously produced elsewhere. Is that anything against them? Would people not starve to death if they were confined to the consumption of strictly original articles? Are our readers not aware that the best "Java" coffee—the Mandeheling—is grown in Sumatra? How far would the supply of genuine Mocha coffee go if we had not the immense supply of Brazilian "imitations" to reinforce it? Are Indian and Ceylon teas not imitations of Congous? And so on infinitely.—Oakland Grocer.

### PURE FOOD DECISION.

A decision by Judge Leffler, of Delaware county, makes it plain that this session of the legislature should strengthen the pure food law of the state. Judge Leffler has the reputation of being conservative and painstaking in his decisions, consequently it is likely that his decision will stand the test of the higher court. Muncie druggists and meat dealers were arrested for selling impure and adulterated food. The court holds that the law, as it now stands, aims at misrepresentation and does not prohibit the sale of adulterated food products. To quote from the court's decision:

"It was not shown by the indictments in any of the cases that a dealer misrepresented the article sold. If the article were impure, the presumption is, in the absence of contrary proof, that the purchaser knew of this condition. The law does seek, however, to prevent the sale of an adulterated or impure article under the representation that it is not adulterated or is pure. If a dealer sells goods under one name when the goods are really something vastly different, thus wilfully misrepresenting them, he is liable under the Indiana statutes."

If this be the law the present statute should be amended so that the public may know by the label when food is not what it seems. The Journal is disposed to question the judge's conclusion that the purchaser of food is presumed to know of the impurity. The contrary is true, for the purchaser as a rule believes he is getting honest value for his money. But as a weak point in the law has been pointed out the statute should be strengthened.—Lafayette, Ind., Journal.

### LOUISIANA SUGAR INDUSTRY.

Secretaries Shaw and Straus on January 25th last gave a hearing to Representatives Meyer and Broussard and a delegation from New Orleans, representing the sugar and molasses industry of Louisiana, on the question of the use of sulphur fumes and lime in the manufacture of sugar and molasses. It was stated that Secretary Wilson, acting upon the advice of Dr. Wiley, the chief chemist of the Department of Agriculture, had expressed the opinion that sulphur fumes



and lime in the manufacture of molasses were injurious to health and, therefore, their use, under the Pure Food Law, should be inhibited.

It was stated that the quantities of lime and sulphur fumes were so small that they could not be deleterious to health and that their use was solely for the purpose of clarifying the sugar and molasses and ridding them of substances that would if retained make them altogether unpalatable. To inhibit the use of sulphur fumes and lime, it was said, would entail a loss on the sugar industry of Louisiana of at least thirty per cent. Secretaries Shaw and Straus will take the matter up with Secretary Wilson.

### THE INDIAN TERRITORY TO ENFORCE THE FEDERAL FOOD AND DRUGS ACT.

Judge Dickerson, judge of the southern district says he intends to enforce the pure food laws in Indian Territory. In an address to the first grand jury ever called in Duncan, Judge Dickerson said:

"We have a law that has been recently passed by congress that I want to call your attention to. It is known as the Pure Food Bill. It has been questioned, I understand, as to whether it is in force in this Territory. But it is my judgment, after a somewhat careful investigation of it, that it will be in force in my jurisdiction until the supreme court decides that it is not in force. If it is not in force here, this is the only part of the country where it is not, and I do not propose that all the impure foods of this country, that they cannot sell anywhere else, be dumped on to the Indian Territory. And I believe that it was the intention of congress to spread it over this Territory and to absolutely prohibit the sale of any kind of adulterated food here as well as other parts of the United States.

"This law absolutely prohibits the killing for meat of any kind of an animal that is in any way diseased. That is a law that we have been wanting and looking for in this Territory for a long time. Of course it is not likely that the butchers of this town would kill a beef that had the big jaw, but possibly there are towns adjoining here where they have done so; maimed and sickly beef, cattle that drag behind in driving to the market, and that cannot be shipped to other territories; cattle that mope and don't do well; don't feed well, are frequently bought and sold to an unsuspecting public. Not only meats but various stuffs are shipped in here and sold under names that do not tell us what they are, are all violations of the law. And I suggest that the way to put the law in force is to commence enforcing it from the day it is enacted and keep enforcing it until it is repealed, or until it is decided that it does not apply to this country. And I want you to pay especial attention to this law."

### SPURIOUS DRUGS ARE SOLD.

Talking with a retired druggist not long since, I led the conversation around to the matter of adulteration, with the result that he expressed himself vigorously, pointing out how first-class druggists suffer from the unfair competition of those who deal in cheap and adulterated products.

He mentioned the adulteration of a number of familiar druggists' products which are used largely by the public and which the public buys in good faith as pure. Nothing is more familiar to the average household than witchhazel. This, said the druggist, is put up in three grades. The first is made from the young wood and twigs of the shrub in 20 per cent grain alcohol; a second grade, made from old wood, containing practically no juice whatever, but carrying the odor, is made with 12½ to 15 per cent alcohol, just sufficient to keep it from precipitating.

The only medicinal value in this product is the alcohol it contains and this is below the standard. A third grade is put out by very cheap houses and contains deodorized wood alcohol, or so-called Columbian spirits.

### MINNESOTA STOCK FOOD MANUFACTURERS OBJECT TO STATE SUPERVISION OF THEIR WARES.

Bills are now before the house providing for state supervision over the several stock foods manufactured and sold in Minnesota and they are being vigorously fought by the manufacturers.

The Mork bill places these foods under the control of the state food department and forbids the introduction into them of deleterious foods. It is control by the department which the manufacturers object to.

## Household Science

### A Hint to the Housekeeper.

A certain lady on the north side, says the North Dakota Call, had complained to Milk Inspector Dunham of North Dakota on several occasions that the milk delivered to her was not what it ought to be, that it was frequently sour when it was represented to be sweet. These complaints were against dealers whom the inspector felt certain were not to blame. He felt certain that they did not misrepresent their product and determined to make a test.

Fortunately for his purpose, the lady in question did not know the inspector personally and when he happened to go with the milkman a certain morning recently and watched the delivery of the milk, she did not suspect that she was being watched in her handling of the milk. The milkman delivered the milk, pure and sweet, fresh from the dairy. The lady took a pan which contained some sour milk and poured the contents into another vessel. She then poured hot water into the milk pan and rinsed it, apparently carefully scalding the pan. Then she poured the new milk into the pan. At this point Inspector Dunham thought it time to make a few remarks. He directed the attention of the lady to the fact that the pan into which she poured the sweet milk contained all around the pan on the inner side a line of sour cream or milk, a thin line which had evidently been there for days. In scalding the milk pan preparatory to pouring in the new milk she had not been thorough in her work and there was enough sour cream left to taint the new milk.

When the inspector directed her attention to the fact that she had been criticizing the milkmen unjustly she became indignant and wanted to know what business he had to say anything about how she looked after her milk utensils. Inspector Dunham meekly informed her that he was the milk inspector. Her anger gave place to confusion and she was compelled to admit that she had, perhaps, been careless, occasionally.

The inspector stated yesterday that he had no doubt that several of the complaints against milkmen were as unjust as that of the lady in question and from a similar cause.

### Some Uses of Tea.

In China tea leaves from the cup are used in sweeping floors, as they are sometimes used in the United States, but they are sometimes used in the United States, but this does not end their utilitarian purposes. In regions where fuel is scarce the refuse leaves are pressed into bricks, dried and used in the same manner as blocks of peat. This fuel is particularly prized for pork-curing—and the tea-cured or tea-smoked meat is to the Chinese what beech-nut and sugar-cured bacon and ham are to the American. The ashes from the fuel are used as a fertilizer. But even before its use as fuel the refuse tea serves another purpose. The leaves are vigorously stewed or allowed to steep in cold water, in order to recover the tannic acid which they contain (about 12 per cent).

This is used in tanning leather and in dyeing textiles. It gives a fine permanent nut-brown color, requires no mordant and is unaffected by sunlight, bleaching or washing. Sometimes the refuse tea leaves



are used as fodder for farm stock—at least providing bulk if not much nutrition. Again they may be dried, mixed with the low-grade, factitiously scented teas of commerce and are then known as “lic-tea.” The decoction resulting from such tea cannot be far superior to one made from hay.

Brick tea even serves as money. It is still in circulation as a medium of exchange in the far-in-land Chinese towns and central Asian marts and bazaars. Between the Mongolian towns of Urgas and the Siberian town of Kiakta there is usually as much as half a million taels (\$850,000) of this money in circulation. At the latter place it ceases to be used as currency and enters into the regular brick-tea trade of Siberia and Russia. As brick tea it is largely used in the Russian army, by surveying engineers, tourists and hunters.

#### Breakfast Food Poetry.

Every magazine has a little fun with the breakfast food fads. The following poem by Bert Leston Taylor, which appeared originally in the “Chicago Tribune,” and was extensively copied and initiated, is one of the most innocent and amusing of these conceits:

##### THE BREAKFAST FOOD FAMILY.

John Spratt will eat no fat,  
Nor will he touch the lean.  
He scorns to eat of any meat;  
He lives upon Foodine.

But Mrs. Spratt will none of that;  
Foodine she cannot eat.  
Her special wish is for a dish  
Of Expurgated Wheat.

To William Spratt that food is fat  
On which his mater dotes.  
His favorite feed—his special need—  
Is Eata Heapa Oats.

But sister Lil can't see how Will  
Can touch such tasteless food.  
As breakfast fare it can't compare,  
She says, with Shredded Wood.

Now, none of these Leander please;  
He feeds upon Bath Mitts.  
While sister Jane improves her brain  
With Cero-Grapo-Grits.

Lycurgus votes for Father's Oats;  
Proggine appeals to May;  
The junior John subsists upon  
Uneeda Bayla Hay.

Corrected Wheat for little Pete;  
Flaked Pine for Dot; while “Bub,”  
The infant Spratt is waxing fat  
On Battle Creek Near-Grub.

#### Witch-Hazel and Quinine Adulterated.

In view of the fact that witchhazel is often taken internally it is obvious that only the pure article should be obtained. In this connection it is interesting to note the results of a series of tests (by Lederle) of 128 samples of witchhazel, purchased in the open market in greater New York.

Only twenty samples contained the required amount of official (94.9 per cent) alcohol. Fifty-one contained less than 15 but over 13 per cent, thirty-five contained 11 but less than 13 per cent, thirteen contained over 9 but less than 11 per cent, and nine actually contained less than 9 per cent alcohol.

It goes without saying that some other substance had to be used and the tests showed no less than fifty-four samples containing formaldehyde. It is obvious that the consumer must get a known and tried brand of witchhazel extract.

Another common drug, according to the druggist already quoted, which is frequently adulterated is quinine. He recently secured pills advertised by a department store as two-grain quinine pills which were sold for less than the cost to the wholesale druggist of the quinine which should have been

in them. Investigation showed that they were almost wholly flour, a harmless adulterant in itself but a straight fraud on the public.—Good Housekeeping.

#### English Mince Pie Meat.

½ oz. essence almonds,  
1 teacupful of California brandy,  
2 nutmegs grated,  
2 lbs. best currants,  
2 lbs. imported sultana raisins,  
2 lbs. seeded raisins,  
1 lb. finely chopped beef suet,  
2 lbs. raw sugar,  
3 lbs. apples (when pared and cored),  
½ lb. each of lemon, citron and orange “candied peel.”

2 lbs. roast beef, chopped fine with the suet and baked apples.

The grated rind and juice of one good large (or two small) lemons,

The grated rind and juice of one large orange.

1 pint sweet cider,

1 pint bottled cider.

Stew the apples until tender in a covered stone crock in the oven, cook the lean beef in a close covered stone crock in the oven using only a dessert spoonful of water. When tender chop up or pass through a meat grinder.

Cut the candied peel small and chop up with the beef also the seeded raisins, the sultanas and currants to be put in the mixture whole.

Let all the ingredients be thoroughly mixed, adding the brandy last and again thoroughly mixing. Securely can in Mason jars, fill them full and cover with melted paraffin.

#### Grantham (England) Gingerbread.

2 teaspoonfuls of volatile salts, add in the usual way,

1 ½ lbs. flour,

½ lbs. white sugar,

½ lb. butter.

3 oz. candied lemon peel (cut short and thin),

4 eggs—yolks and whites beaten separately,

1 oz. ground ginger.

Warm the flour—beat butter to a cream—add the sugar and ginger and beat in—then beat in the flour and lemon peel—beat in the yolks (already beaten) then add the beaten whites, using as much new milk as will make a stiff paster, roll in balls as large as an English walnut, roll in fine sugar and bake in a pastry oven a very pale color. In putting the above in an iron baking shelf set them well apart or they will run together, especially if the oven is too slow. If put in tin canisters when cold they will keep a long time.

N. B.—The colder the suet the more easily it is disintegrated.

#### This Marmalade Was Pure.

There was intense excitement in the city laboratory yesterday when Chemist Cross analyzed a crock of orange marmalade, and found that it was absolutely pure, as it contained no coal tar or other substitutes. The marmalade was made abroad.

Analysis of gum drops disclosed that they were made of glucose, starch, citric acid and colored with a coal tar dye. Molasses taffy was filled with ordinary baking powder to make it light and puffy.

A sample of chocolate candy had as a base a composition known as Cremo, the principal ingredient of which is tallow and other packing house fats, and serves as a substitute for butter, milk, eggs and sugar. Cremo has a sickly sweet taste,



and is used wholly in the making of cheap candies. Dr. Cross has secured a sample of Cremo, and he will analyze it to determine to just what extent it is detrimental to the human stomach. Of this same piece of chocolate candy the chemist doubts if it contains any chocolate at all. The presence of mineral earth was very apparent, and the sample was coated with shellac to give it an attractive appearance.—Kansas City Journal.

### Lincoln and the Cup of Tea.

"There is a story told of President Lincoln," writes A. Maurice Low in the February Appleton's, "that during a critical time in the Civil War, when the Senate had been particularly obstructive, one of his ardent sympathizers burst in upon him and hotly denounced the Senate, and finished his tirade by asking: 'What's the use of the Senate, anyway?'"

"Mr. Lincoln was drinking a cup of tea. In his homely fashion he poured the tea from the cup to the saucer and back again to cool it off, undisturbed by the caller's vehemence.

"'Well,' said the man, impatiently, 'what's the use of the Senate?'"

"'I have just shown you,' was Lincoln's answer, and once more the tea was poured.

"The man was puzzled. Then a great light broke upon him. 'You mean it enables public passion to cool off?'"

"The greatest of American presidents nodded and drank his tea."

### Washing Eggs Injures Them.

Several dealers have spoken to me lately of unusual trouble with washed eggs mixed in with current packings. These washed eggs do not keep at all when the weather is even moderately warm, and it is a serious mistake to put them in when shipped for any distance to be held, says the New York Produce Review. When shippers have local consumption outlets which use the eggs up at once it is all right to wash dirties for such trade, but they are absolutely no good for distant shipment, and a packer will soon ruin the reputation of his brand by packing them with clean unwashed eggs.

It ought to be well known that washing eggs removes the mucus which closes up the pores of the shells, and the air then has ready access to the contents, hastening decay.

### Perpetual Motion.

Having, after years of constant agitation, succeeded in getting on the statute books a national law which gives him the right to practically prevent the use of chemical preservatives in articles of food and drink, Dr. Wiley, as we see in the daily papers, has turned his batteries on cold storage, which he says rots meat, vegetables and fruits exposed to it. Probably all kinds of food—meats, vegetables and fruit—are better tasting and more wholesome when consumed fresh, or within a few hours thereafter, but at this day and time, this is, for the vast majority of the human race, utterly impossible, and no one knows this fact, or ought to know it, better than Dr. Wiley—though how a man that talks as much and as loosely as he does can find time to learn anything is more than we can understand.—National Druggist.

### Confiscation of Adulterated Goods.

When the city food inspector finds that any sort of food or candy or drug is unhealthful he pours kerosene over it to insure that the stuff will not be sold. That procedure is the effective way to enforce the pure food law. Popular conscience approves it. No argument that "property" was being destroyed would be regarded patiently. And the principle involved supports the demand of the Municipal Tenement Commission for more power to condemn and tear down buildings for habitation that are not rightly habitable and that

menace life and public health. There should not be any more solicitude to protect a "property right" in a disease breeding, collapsible tenement than to safeguard an investment in tainted meat or adulterated candy. On the contrary, the larger the interest in something which affects deleteriously the public welfare the more power for harm it exercises and the more consequent need there is to destroy it. Let it be recognized by the legislature and then by the city council that there cannot be any legal right in the maintenance of a wrong to society.—Kansas City Times.

### Canned Pop Corn.

A new way to have nice crisp pop-corn on hand at any time is to can it. Pop the corn by putting a big spoon of meat drippings in a round bottom iron kettle and one teacup of pop-corn. Stir it around until it commences to pop, then cover it up and shake. Have your cans ready and put it in them as soon as you can after it is popped, and put on rubbers and screw up tightly. Pop corn treated this way will keep several weeks as fresh and crisp as when popped. It is a good idea to pop and fill your empty cans on a rainy day and then have it ready in an emergency.—Martha in "The Prairie Farmer."

## FIXTURES

Time and Place of Holding Conventions, Food Shows and Expositions Relating to Pure Foods.

### CONVENTIONS.

Houston, Texas.—Second Annual Food Show of Retail Grocers' Assn., March, 1907.

Traverse City, Mich.—Grand Traverse Dairymen's Association, March 27-28. D. D. McMullen, Traverse City, Mich.

Little Rock, Ark.—State Retail Grocers & General Merchants' Association, May. August Probst, Little Rock, Ark.

### FOOD SHOWS.

Toronto, Canada.—Toronto Pure Food Show, March 18 to 30. E. M. Trowern, Secy.

Cincinnati, O.—First Annual Pure Food, Drug and Confectionery Exposition, April 27-May 11. H. K. Shockley, Secy., Suite 53, St. Paul building, Cincinnati, Ohio.

### EXPOSITIONS.

Norfolk, Va.—Jamestown Exposition, April 20 to Nov. 30, 1907.—Food Products Exposition. H. St. George Tucker, president; G. T. Sheppard, secretary.

Chicago—First National Packers' Exposition, Coliseum Building, May 1st to 11th, 1907. Chas. F. Gunther, president; Ben Leven, vice president; Stewart Spalding, secretary and treasurer, and James N. Sechrest, general manager, 903 Merchants Loan and Trust Building, 135 Adams street, Chicago.

Go slow in urging your State to adopt the National Law before it is thoroughly tried by the government.

You must not have on your label manufactured by you unless you are the actual manufacturer.

## WEISEL & CO.

...Manufacturers of...

High Grade **SAUSAGES** ONLY

609 East Water Street

Milwaukee, Wis.

CHICAGO BRANCH: — 51 to 53 LA SALLE STREET

Tel. connection

We are the Largest <sup>Manufacturers</sup> of Prepared  
**MUSTARD AND CATSUP**

HUSS-EDLER PRESERVE COMPANY,

Write for Samples and Prices. 75-79 W. Kinzie St., Chicago



# Corn Products Manufacturing Co.

The Rookery, Chicago

**Corn Syrups,  
Glucose,  
Grape Sugar,  
Corn Starch,  
Confectioners' T. B. Starch**

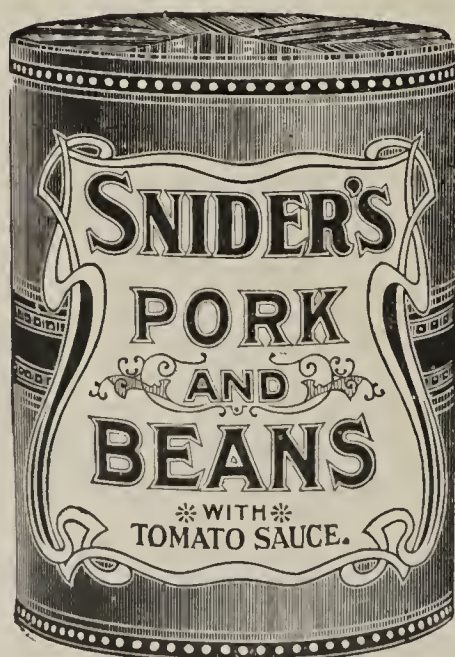
ALL PRODUCTS GUARANTEED UNDER THE  
FOOD AND DRUGS ACT, JUNE 30, 1906.

'Karo Corn Syrup is a Pure Food Product. Its Ingredients, Corn Syrup, 85% and Refiners Syrup 15% are of the Highest Quality and prepared according to U. S. Standards.'

Beans are Rich in  
NITROGEN

the way

**SNIDER**  
**PORK and BEANS**  
are prepared



The "Snider Process" doubles the digestibility of Beans without making them mushy, soft, split, squashed or discolored, like other brands of Beans.

The porous nature of "Snider Process" Beans permits them to evenly absorb the delicious Snider Catsup in which they are immersed, with its dainty flavor of Seven Spices.

THE T. A. SNIDER PRESERVE CO.  
CINCINNATI



**Seipp's  
Extra Pale  
Beer**

Absolutely pure,  
wholesome, well  
aged, thoroughly  
pasteurized, chill  
and summer  
proof. :: :: ::

**C. SEIPP BREWING CO.**  
27th St. and Cottage Grove Ave.  
Telephones:  
Calumet 730 and 869



# THE AMERICAN FOOD JOURNAL



Vol. II No. 4

CHICAGO, APRIL 15, 1907

10c. Per Copy  
Monthly \$1.00 Per Year



## THE COLISEUM BUILDING, CHICAGO

Where the International Pure Food Exposition will be Held, Nov. 19th to 25th 1907.





**HIGHLAND**  
AND  
**OUR PET**  
BRAND



**Evaporated Milk**  
UNSWEETENED

Sold under guarantee which has been filed with the Secretary of Agriculture,  
Washington, D. C., under number 1031.

---

---

**HELVETIA MILK CONDENSING CO.**

**Main Office: HIGHLAND, ILL.**

**Sales Offices:**

**NEW YORK**

**CHICAGO**

**SAN FRANCISCO**

**ATLAS**  
**Harmless Synthetic Colors**

**ATLAS VEGETABLE COLORS**  
**IN PASTE OR DRY FORM**

**Atlas Carmine**

No. 40

Guaranteed absolutely free  
from coal tar matter. Has  
no equal in strength, clearness  
or brilliancy.



**Koncentrona**

**:: :: OUR NEW :: ::**  
**VEGETABLE BROWN**

To replace Coal Tar or Iron  
Browns. The only adaptable  
Vegetable Brown, very strong  
and correct in shade.

**H. KOHNSTAMM & COMPANY**

Established 1851

**112 Franklin Street, CHICAGO**

**87 Park Place, NEW YORK**



# THE AMERICAN FOOD JOURNAL



Vol. 2. No. 4.

CHICAGO, APRIL 15, 1907.

Monthly, \$1 Per Year.  
10c Per Copy.

## COMMITTEE FOOD BILL—ILLINOIS.

45th Assembly

HOUSE—No. 844

April 10th, 1907

Introduced by the Committee on Manufacturers.  
Read first time, ordered printed and to a Second Reading.

### A BILL

For an act to prevent fraud in the sale of dairy products, their imitation or substitutes, to prohibit and prevent the manufacture or sale of unhealthful, adulterated or misbranded food, liquors or dairy products, to provide for the appointment of a State Food Commissioner and his assistants, to define their powers and duties and to repeal all acts relating to the production, manufacture and sale of dairy and food products and liquors in conflict herewith.

*Be it enacted by the people of the State of Illinois, represented in the General Assembly:*

Section 1. PROVISION FOR APPOINTMENT OF A STATE FOOD COMMISSIONER, AND THE ESTABLISHMENT OF A STATE FOOD DEPARTMENT—That the Governor shall appoint a Commissioner who shall be known as the State Food Commissioner, who shall be a citizen of the State of Illinois, and who shall hold his office for the term of four years and until his successor is appointed and qualified, and who shall receive a salary of twenty-five hundred dollars per annum and his necessary expenses incurred by him in the discharge of his official duties, and who shall be charged with the enforcement of all laws that now exist or that hereafter may be enacted in this State regarding the production, manufacture, sale and labeling of food as herein defined, and to prosecute or cause to be prosecuted any person, firm or corporation, or agent thereof, engaged in the manufacture or sale of any article manufactured or sold in violation of the provisions of any such law or

laws. The Governor shall also appoint from time to time as required, a Food Standard Commission, for the purpose of determining and adopting standards of quality, purity or strength, for Food Products, for the State of Illinois, to consist of three members, one of whom shall be the State Food Commissioner or his representative, who shall serve without extra pay; one of whom shall be a representative of the Illinois Food manufacturing industries and one of whom shall be an expert food chemist of known reputation, all to be citizens of the State of Illinois, who shall receive fifteen dollars (\$15.00) per day and necessary expenses incurred during the time employed in the discharge of their duties.

The said Commissioner is hereby authorized to appoint with the advice and consent of the Governor, one Attorney, who shall be the Attorney for the Commission; one Chief Dairy Inspector who shall be a practical Dairyman; one Chief Analytical Chemist who



shall be known as the State Analyst; one Secretary, each of whose salaries shall be \$1,800.00 per annum and expenses incurred in the discharge of official duties. Said Commissioner shall also have authority to appoint three assistant analytical chemists, two whose salary shall be \$1,500.00 each per year, and one whose salary shall be \$1,200.00 per year, and said Commissioner shall have authority to appoint not to exceed ten (10) Inspectors to be paid at the rate of \$100.00 per month each, and the necessary expenses incurred in the performance of their duties, three stenographers at \$900.00 per annum each; and one assistant clerk at \$900.00 per annum.

The said Commissioner shall also have power to appoint such assistant experts as he may need from time to time to be designated as consulting State experts, who shall receive as compensation the sum of \$15.00 per day and necessary expenses incurred in the discharge of their duties to be paid from the Department expense.

The sum of Twenty-Nine Thousand Five Hundred Dollars (\$29,500.00) is hereby appropriated per annum to be paid for the execution of the Dairy and Food Laws, for the following purposes, to-wit: salaries; one Commissioner, \$2,500.00; one Attorney, \$1,800.00; one Chief Dairy Inspector, \$1,800.00; one Chief Analyst, \$1,800.00; one Secretary, \$1,800.00; two Assistant Analytical Chemists, \$3,000.00; one Assistant Analytical Chemist, \$1,200.00; ten Inspectors, \$12,000.00; three stenographers, \$2,700.00; and one Clerk, \$900.00.

All expenses authorized by this act shall be paid by the State Treasurer upon warrants of the State Auditor.

The said Commissioner shall make annual reports to the Governor, not later than the 15th day of January, of his work and proceedings, and shall report in detail the number of inspectors he has appointed and employed with their expenses and disbursements and the amount of salary paid the same, and he may from time to time issue bulletins of information when in his judgment the interests of the State would be promoted thereby.

The said Commissioner shall maintain an office and laboratory where the business of said department may be conducted. This section shall not affect the term of office of the present Commissioner, and he shall be regarded as having been appointed under the provisions of this Act.

Section 2. POWER OF COMMISSIONER AND INSPECTORS MAKING INSPECTION.—The State Food Commissioner, and such inspectors and agents as shall be duly authorized for the purpose, when and as often as they may deem it necessary, shall examine the raw materials used in the manufacture of food products and determine whether any filthy, decomposed or putrid substance is used in their preparation. They may also examine all premises, carriages or cars where food is produced, prepared, transported, stored, or served to patrons, for the purpose of ascertaining their sanitary condition and examining and taking samples of the raw materials and finished products found therein; but nothing in this Act shall be construed as permitting such officers to inquire into, or examine methods or processes of manufacture, or requiring or compelling proprietors, or manufacturers, or packers of proprietary or other food products, to disclose trade rights, or secret processes, or methods of manufacture.

Said Commissioners, inspectors and agents shall also have power and authority to open any package, can or vessel, containing or supposed to contain, any article manufactured, sold or exposed for sale, or held in possession with intent to sell, in violation of the provisions of this act, or laws that now exist, or that may hereafter be enacted in this State, and may inspect the contents thereof, and may take samples therefrom for analysis. The employees of railroads, express companies, or other common carriers, shall render to them all the assistance in their power, when so requested, in tracing, finding or disclosing the presence of any article prohibited by law, and in securing samples thereof as herein provided for.

Section 3. REFUSAL TO ASSIST INSPECTOR A MISDEMEANOR.—Any refusal or neglect on the part of such employees of railroads, express companies or other common carriers, to render such friendly aid, or to furnish such sample for analysis, as provided for in Section 2 of this Act, shall be deemed a misdemeanor and shall be punished as hereinafter provided.

Section 4. SEALING AND TRANSMITTING SAMPLES.—The person taking such sample as provided for in Section 2 of this Act, shall mark or seal such sample with a paper seal or otherwise, and shall write his name thereon and number said sample so as to properly identify the same, and at the same time give notice that said sample was obtained for the purpose of examination by the State Food Commission, and he shall at the same time, and in the presence of the person from whom the same is taken, seal with paper seals or otherwise another like sample of the article taken, on which said sample, or on the seal placed the name of the person taking said sample and also the number above provided for, one of which said samples shall be delivered to the person from whom the same is taken, and the other shall be taken by the person so procuring the same, to the State Analyst or other competent person appointed for the purpose of making examinations or analyses of samples so taken, and the person taking such samples shall tender to the manufacturer or vender of such article or product, or the person in whose control or possession such article or product may be at the time the samples are taken, the value thereof: *Provided*, That the person procuring said sample may securely pack and box said sample and send the same to the State Analyst, or other competent person appointed hereunder for the purpose of making examinations or analyses of samples, and his testimony that he did procure the samples and that he sealed and numbered the same as herein provided, and that he wrote his name thereon and that he packed and boxed said samples and sent the same to the State Analyst, or other competent person appointed hereunder, to analyze such sample and the testimony of the person to whom said sample is addressed that he received said box or package in apparent good order; that said sample was sealed and that the number and name of the sender, as herein provided for, was on said sample, and that the seal at the time the same was received was unbroken, shall be *prima facie* evidence that the sample so received is the sample that was sent, and that the contents thereof are the same and in the same condition as at the time the person so procuring said sample parted with the possession thereof, and the testimony of said two witnesses as above shall be sufficient to make such *prima facie* proof.

Section 5. MANUFACTURING ADULTER-



ATED OR MISBRANDED FOOD MISDEMEANOR.—It shall be unlawful for any person to manufacture for sale within the State of Illinois any article of food or drink which is adulterated or misbranded within the meaning of this Act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be punished according to the provisions of this Act.

Section 6. POSSESSION MISBRANDED OR ADULTERATED ARTICLES PROHIBITED.—The having in possession of any article of food or drink which is misbranded or adulterated with intent to sell the same is hereby prohibited, and whoever shall have in his possession with intent to sell, sell or offer for sale any article which is adulterated or misbranded within the meaning of this Act shall be guilty of a misdemeanor, and on conviction thereof shall be punished as hereinafter provided. Proof that any person, firm or corporation has or had possession of any article which is adulterated or misbranded shall be *prima facie* evidence that the possession thereof is in violation of this section.

Section 7. TERM FOOD DEFINED.—The term "food" as used herein shall include all articles used for food, drink, confectionery or condiment by man or other animals, whether simple, mixed or compound, and any substance used as a constituent in the manufacture thereof.

Section 8. DEFINES ADULTERATION.—That for the purpose of this Act an Article shall be deemed to be adulterated: In case of confectionery:

FIRST: If it contains terra alba, barytes, talc, chrome yellow, paraffin, mineral fillers, or poisonous mineral substances, or poisonous color or flavor.

SECOND: If it contains any ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound, or narcotic drug.

In the case of food:

FIRST: If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality, strength or purity.

SECOND: If any substance has been substituted wholly or in part for the article.

THIRD: If any valuable constituent of the article has been wholly or in part abstracted.

FOURTH: If it be mixed, colored, powdered, coated, polished or stained in any manner whereby damage or inferiority is concealed, or it is made to appear better or of greater value than it really is.

FIFTH: If it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health. *Provided*, That when in the preparation of food products for shipment they are preserved by an external application, applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering of the package, the provisions of this Act shall be construed as applying only when such products are ready for consumption, and formaldehyde, hydrofluoric acid, boracic acid, salicylic acid and all compounds and derivatives thereof are hereby declared unwholesome and injurious.

SIXTH: If it consists in whole or in part of a filthy, decomposed or putrid, infected, tainted or rotten animal or vegetable substance or article, or any portion of an animal unfit for food, whether manufac-

tured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

Section 9. MISBRANDED DEFINED.—The term "misbranded" as used herein, shall apply to all articles of food or drink, or articles which enter into the composition of food or drink, the packages or label of which shall bear any statement, design or device regarding such article, or the ingredients or substance contained therein which shall be false or misleading in any particular and to any of such products which are falsely branded as to manufacturer, packer or dealer who sells the same or as to the state, territory or country in which it is manufactured or produced. That for the purpose of this Act an article shall be deemed misbranded.

In case of food:

FIRST: If it be an imitation of or offered for sale under the distinctive name of another article.

SECOND: If it be labeled or branded so as to deceive or mislead the purchaser, or purports to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it shall fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucane, chloroform, cannabis indica, chloral hydrate or acetanilid, or any derivative or preparation of any such substances contained therein.

THIRD: If in package form and the contents are stated in terms of weight or measure, they are not correctly and plainly stated on the outside of the package.

FOURTH: If it be a manufactured article of food or food sold in package form, and is not distinctly labeled, marked or branded with the true name of the article, and with either the name of the manufacturer and place of manufacture or the name and address of the packer or dealer who sells the same.

FIFTH: If the package containing it, or its label, shall bear any statement, design or device regarding the ingredients or the substance contained therein, which statement, design or device shall be false or misleading in any particular: *Provided*, That an article of food which does not contain any added, poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

FIRST: In the case of mixture or compounds which may be now or from time to time hereafter known as articles of food under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where the article has been manufactured or produced.

SECOND: In the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends, and the word "compound," "imitation" or "blend," as the case may be, is plainly stated on the package in which it is offered for sale. *Provided*, That the term "blend," as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only; and *provided further*, that nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods, which contain no unwholesome added ingredients, to disclose their trade formulas, except insofar as the pro-



visions of this Act may require to secure freedom from adulteration or misbranding.

Section 10. CONFISCATION AND CONDEMNATION OF MISBRANDED, OR ADULTERATED FOODS.—Any article of food, or drink, or liquor that is adulterated within the meaning of this Act, and is being sold or offered for sale within the State of Illinois, shall be liable to be proceeded against in any circuit court, or the superior court of Cook County, or the municipal court of any city, or before any justice of the peace within whose jurisdiction the same may be found, and seized for confiscation by process of law or condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character within the meaning of this Act, the same shall be disposed of by destruction or sale as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the treasury of the State of Illinois and credited to the fund of the State Food Commission, to be used in the enforcement of the State food laws, but such goods shall in no instance be sold contrary to the provisions of this Act. *Provided, however,* that upon the payment of the costs of such libel proceedings and the execution and the delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this act, the Court may by order, direct that such articles be delivered to the owner thereof. Either party may demand trial by jury upon any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the people of the State of Illinois.

Section 11. VINEGAR TO BE BRANDED.—All vinegar made by fermentation and oxidation without the intervention of distillation, shall be branded with the name of the fruit or substance from which the same is made. All vinegar made wholly or in part from distilled liquor shall be branded "distilled vinegar," and shall not be colored in imitation of cider vinegar. All fermented vinegar not distilled shall contain not less than  $1\frac{1}{4}$  per cent, by weight, upon full evaporation (at the temperature of boiling water), of solids contained in the fruits from which said vinegar is fermented, and said vinegar shall contain not less than two and a half tenths of one per cent ash or mineral matter, the same being the product of the material from which said vinegar is manufactured. All vinegar shall be made wholly from the fruit or grain from which it purports to be or is represented to be made, shall contain no foreign substance, and shall contain not less than four per cent, by weight, of absolute acetic acid.

Section 12. FRUITS, JELLIES AND JAMS.—No person shall, by himself or another, either as principal, clerk or servant, directly or indirectly, manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell as fruit, jelly, jam, or fruit butter, any imitation fruit, jelly, jam or fruit butter, or other similar compound, made or composed in whole or in part of dextrine, starch or other substances under any name or designation whatever, unless the same shall be composed entirely of ingredients not injurious to health, and every can, pail or package of such jelly, fruit, jam or fruit butter sold, offered for sale, or kept for sale in this State shall be distinctly and durably labeled in a conspicuous place immediately preceding the name of the article sold with the word "imitation" preceding the name of the fruit,

jelly, jam or fruit butter the article is intended to imitate. *Provided*, that any fruit, jelly, jam or fruit butter, containing glucose (or corn syrup) not to exceed 15 per centum of the total weight of the fruit, jelly, jam or fruit butter, shall not be considered an imitation, and *further provided* that any fruit, jelly, jam or fruit butter, containing more than 15 per centum of glucose, but no foreign ingredients, may be labeled and sold as "glucose" (or corn syrup), "jelly," "fruit," "jam," or "fruit butter," as the case may be, to conform in name to the fruit or fruits used in its preparation.

Section 13. EXTRACTS TO BE LABELED.—Extracts made of more than one principal must be labeled in a conspicuous manner with the name of each principal, or else with the name of the inferior or adulterant, and in all cases when an extract is labeled with two or more names such names must be in a conspicuous place on said label, and in no instance shall such mixture be called imitation, artificial or compound, and the name of one of the articles used shall not be given greater prominence than another: *Provided*, That all extracts which cannot be made from the fruit, berry, bean or other part of the plant, and must necessarily be made artificially, as raspberry, strawberry, etc., shall be labeled "imitation" in letters similar in size and immediately preceding the name of the article: *Provided, further*, That prepared cocoanut, containing nothing other than cocoanut, sugar and glycerine, shall be labeled as prepared cocoanut, and when so made need not be labeled "compound" or "mixture."

Section 14. BAKING POWDER—HOW LABELED.—No person by himself, his servant, or his agent, or as the servant of any other person, shall, first, make or manufacture baking powder or any other mixture or compound intended for use as baking powder; second, or sell, exchange, deliver, or offer for sale, or exchange such baking powder or any mixture or compound intended for use as baking powder, unless the same shall contain not less than ten (10) per cent available carbon dioxide, and unless the common names of all the ingredients be printed on the label.

Section 15. ADULTERATED OR SPIRITUOUS MALT OR VINOUS LIQUORS PROHIBITED.—No person shall within this State, by himself, his servant or agent, or as a servant or agent of any other person or corporation, manufacture, brew, distill, have or offer for sale, or sell any spirituous or fermented or malt liquor, containing any drug, substance or ingredient not healthful or which may be deleterious or detrimental to health when such liquors are used as a beverage, and the following drugs, substances or ingredients shall be deemed to be not healthful, and shall be deemed to be deleterious or detrimental to health when contained in such liquors, to-wit: Cocculus indicus, copperas, opium, cayenne pepper, picric acid, Indian hemp, strychnine, arsenic, tobacco, daniel seed, extract of logwood, salts or zinc, copper or lead, alum, methyl alcohol and its derivatives, and any extracts or compound of any of the above drugs, substances or ingredients and any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor.

Section 16. MUTILATING LABEL PROHIBITED.—Whoever shall deface, change, erase or remove any mark, label or brand provided for by this Act with intent to mislead, deceive or to violate any of the



provisions of this Act, shall be held liable to the penalties of this Act.

Section 17. PERSONS RECEIVING MILK TO WASH CANS.—Any person, firm or corporation who receives from any other person, firm or corporation, any milk or cream in cans, bottles or vessels, which has been transported over any railroad, or boat line, where such cans, bottles or vessels are to be returned, shall cause the said cans, bottles or vessels to be emptied before the said milk or cream contained therein shall become sour, and shall cause said cans, bottles or vessels to be immediately washed and thoroughly cleansed and aired.

Section 18. NOT TO MANUFACTURE FOOD FROM IMPURE OR UNCLEAN MILK OR CREAM.—No person, firm or corporation shall manufacture from unclean, impure, unhealthful or unwholesome milk, or from cream from the same, any article of food.

Section 19. SALE OF SKIM MILK—CANS—HOW LABELED.—No person, firm or corporation shall sell, or expose for sale, or have in his possession with intent to sell, in any store or place of business, or on any wagon or other vehicle, used in transporting milk from which cream has been removed, or milk commonly called "skim milk" without first attaching to the can, vessel or package containing said milk, a tag with the words "Skim Milk" printed on both sides of said tag in large letters, each letter being at least three-fourths of an inch high and one-half inch wide; said tag shall be attached to the top or side of said can, vessel or package where it can be easily seen.

Section 20. INSTRUMENTS FOR MEASURING MILK AND CREAM STANDARDS.—The State standard milk measure or pipettes shall have for milk a capacity of seventeen and six-tenths cubic centimeters, and the State standard test tubes or bottles for milk shall have a capacity of two cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero" and ten on the graduated scale marked on the necks thereof. For cream, eighteen grams shall be used, and the standard test tubes or bottles for cream shall have a capacity of six cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero" and thirty on the graduated scale marked on the necks thereof, and it is hereby made a misdemeanor to use any other measure, pipette, test tube or bottle to determine the per cent of butter fat where milk or cream is purchased by, or furnished to creameries or cheese factories, and where the value of said milk or cream is determined by the per cent of butter fat contained in the same. Any manufacturer, merchant, dealer or agent in this State who shall offer for sale or sell a cream or milk, pipette or measure, test tube or bottle which is not correctly marked or graduated, as herein provided, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in this Act.

Section 21. UNDERREADING BABCOCK TEST PROHIBITED.—It shall be unlawful for the owners, manager, agent or any employe of a creamery or cheese factory to manipulate or underread the Babcock test, or any other contrivance used for determining the quality or value of milk, or to falsify the record thereof, or to pay for such milk on the basis of any measurement except the true measurement as thereby determined.

Section 22: SALE OF PRESERVATIVES PROHIBITED.—No person, firm or corporation shall

manufacture for sale, advertise, offer or expose for sale, or sell, any mixture or compound intended for use as a preservative or other adulterant of milk, cream, butter or cheese, nor shall he manufacture for sale, advertise, offer or expose for sale, or sell any unwholesome or injurious preservative or any mixture or compound thereof intended as a preservative of any food: *Provided, however*, that this Section shall not apply to pure salt added to butter and cheese.

Section 23: VEHICLES TO BE MARKED.—Any person, firm, or corporation, who shall in any of the cities, incorporate towns or villages of this State, engage in or carry on a retail business, in the sale or exchange of, or any retail traffic in milk or cream, shall have each and every carriage or vehicle from which the same is vended, conspicuously marked with the name of such vendor on both sides of such carriage or vehicle.

Section 24: COLORING GRAIN.—No person shall, by himself or another, either as principal, clerk or servant, directly or indirectly, subject or cause to be subjected any barley, or wheat, to fumigation, by sulphur or other material or to any chemical or coloring process whereby the color, quality or germ of such grain is affected.

Section 25: FUMIGATED GRAIN NOT TO BE ON SALE.—No person shall, by himself or another, either as principal, clerk or servant, directly or indirectly, offer for sale, sell or procure to be sold, any barley or wheat, which shall have been subjected to such fumigation or other process as forbidden by section twenty-four of this Act.

Section 26. ILLEGAL LARD.—No person shall within this State, manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell, as lard, any substance not the legitimate and exclusive product of the fat of the hog.

Section 27. LARD SUBSTITUTE.—No person shall manufacture for sale within this State, or have in his possession with intent to sell, offer or expose for sale, or sell as lard, or as a substitute for lard, or as an imitation of lard, any mixture or compound which is designed to take the place of lard, and which is made from animal or vegetable oils or fats other than the fat of the hog, or any mixture or combination with animal or vegetable oils or fats, unless the tierce, barrel, tub, pail or package containing the same shall be distinctly and legibly branded or labeled, in letters not less than one inch in length, with the name of the person, firm or corporation making the same, together with the location of the manufactory, and the words "Lard Substitute" or "Adulterated Lard," as the case may be.

Section 28. PERSON SELLING IMITATION OR SUBSTITUTE FOR LARD TO INFORM PURCHASER.—It shall be unlawful to sell or offer for sale any "Lard Substitute" or "Adulterated Lard," as herein defined, without informing the purchaser thereof, or the person or persons to whom the same is offered for sale, that the substance sold or offered for sale is "Lard Substitute" or "Adulterated Lard," as the case may be.

Section 29. No person shall coat, powder or color with annato or any coloring matter whatever, any substance designed as a substitute for butter, whereby such substitute or product so colored or compounded shall be made to resemble butter.

*Provided*, nothing in this Act shall be construed to prohibit the use of salt, rennet and harmless coloring



matter for coloring the products of pure milk or cream from the same.

Section 30. It shall be unlawful to sell or offer for sale any imitation butter without informing the purchaser thereof, or the person or persons to whom the same is offered for sale, that the substances sold or offered for sale is imitation butter and the fact that there may be a stencil or other print on the package thereof shall be no defense, unless the purchaser is informed thereof at the time of the delivery of the package.

Section 31. SALE OF PROCESS BUTTER NOT BRANDED PROHIBITED.—No person, firm or corporation, agent or employe shall manufacture for sale, sell, offer or expose for sale, in this State, any butter that is produced by taking original packing stock butter, or other butter, or both, and melting same so that the butter fat can be drawn off or extracted, then mixing the said butter fat with skimmed milk, or milk, or cream, or other milk product, and rechurning or reworking the said mixture, or that produced by any process that is commonly known as boiled, process or renovated butter, unless the same is branded or marked as provided in section thirty-two of this Act.

Section 32. PROCESS BUTTER — HOW BRANDED.—No person, firm, corporation, agent or employe shall sell, offer or expose for sale, or deliver to a purchaser, any boiled, process or renovated butter as defined in section thirty-one of this Act, unless the words "Renovated Butter" shall be plainly branded with Gothic or bold-face letters at least three-fourths of an inch in length on the top and sides of each tub, or box, or pail, or other kind of case or package, or on the wrapper of prints or rolls in which it is put up. If such butter is exposed for sale uncovered, or not, in a case or package, a placard containing the label so printed shall be attached to the mass of butter in such a manner as to be easily seen and read by the purchaser. The branding or marking of all packages shall be in the English language, and in a conspicuous place so as to be easily seen and read by the purchaser.

Section 33. PERSONS SELLING PROCESS BUTTER TO INFORM PURCHASER.—It shall be unlawful to sell or offer for sale any "renovated" or "process" butter as herein defined without informing the purchaser thereof, or the person or persons to whom the same is offered for sale, that the substance sold or offered for sale is "process" or "renovated" butter.

Section 34. ILLEGAL FOODS TO BE SEIZED.—Whenever the Commissioner or his agents shall have ground for suspicion that any article of food, found in possession of any person, firm or corporation, is adulterated or misbranded within the meaning of this Act, he may seize such article of food and make an inventory thereof and tag the same "suspected"; and he shall notify in writing the person, firm or corporation in whose possession it may be found, not to offer the same for sale or sell the same until further notice in writing from the Commissioner. Whereupon the Commissioner shall forthwith cause a sample of said article of food to be examined or analyzed, and if the same shall be found to be adulterated or misbranded within the meaning of this Act the Commissioner shall proceed with a hearing subsequent proceedings as provided in this Act. If, however, such examination or analysis shall show that such article of

food complies with the provisions of this Act, the person, firm or corporation in whose possession such article of food is found shall forthwith be notified in writing that said seizure is released, and authority given to dispose of such article of food and leave a copy with the party holding such suspected goods. Such seizure may be had without a warrant and said Commissioner, and all Inspectors and Agents appointed pursuant to law are hereby given full power and authority of "policemen." Any court having jurisdiction, upon receiving proof of probable cause for believing in the concealment of any food or dairy products or substitutes therefor, or imitation thereof, kept for sale or for a purpose, or had in possession or under control, contrary to the provisions of this Act, or other laws which now exist or may be hereafter enacted, shall issue a search warrant and cause a search to be made in any place therefor and to that end may cause any building, enclosure, wagon or car to be entered, and any apartment, chest, box, locker, tub, jar, crate, basket or package to be broken open and the contents thereof examined.

Section 35. SEARCH WARRANTS TO BE ISSUED FOR ILLEGAL FOOD.—All warrants issued pursuant to section thirty-four hereof shall be directed to the sheriff or some constable of the county where such food or dairy product may be supposed to be concealed, commanding such officer to search the house or place where such food or dairy product, or substitutes therefor, or imitation thereof, for which he is required to search, is believed to be concealed, which place and the property to be searched for, shall be designated in the warrant, and to bring such food or dairy product or substitute therefor or imitation thereof, when found, and the person in whose possession the same is found, before the magistrate who issued the warrant, or before some other court or magistrate having jurisdiction of the case to be proceeded against as hereinbefore provided for in section eleven of this act.

Section 36. STATE'S ATTORNEY TO ASSIST.—It shall be the duty of the State's Attorney in any county of this State when called upon by the Commissioner, or any of his assistants, to render any legal assistance in his power to execute the law and to prosecute cases arising under provisions of this Act. *Provided*, That no person shall be prosecuted under the provisions of this Act for selling or offering for sale any article of food or drugs as defined herein, when same is found to be adulterated or misbranded within the meaning of this Act, in the original unbroken package in which it was received by said person when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the State, from whom he purchases such article, to the effect that the same is not adulterated or misbranded in the original unbroken package in which said article was received by said dealer, within the meaning of this Act, designating it. Said guaranty to afford protection, shall contain the name and address of the party or parties making the sale of such article to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties as provided for in this Act: *provided* that no such guaranty shall operate as a defense to prosecutions for the violation of this Act if the dealer shall continue to sell after notice by the State Food Commissioner that such article is adulterated or misbranded within the meaning of this Act.



Section 37. STATE BOARD OF HEALTH TO FURNISH SAMPLES.—The State Board of Health may submit to the Commissioner or any of his assistants samples of food or drink for examination or analysis, and shall receive special reports showing the result of such examination or analysis.

Section 38. STATE ANALYSTS SHALL NOT FURNISH CERTIFICATE OF PURITY.—It shall be unlawful for the State Analyst, or any Assistant State Analyst, to furnish to any individual, firm or corporation any certificate as to the purity or excellence of any article manufactured or sold by them to be used as food or in the preparation of food.

Section 39. USING SHIFT OR DEVICE.—The use of any shift or device to evade any of the provisions of this Act shall be deemed a violation of such provision and punishable as herein provided.

Section 40. MASTER'S LIABILITY, ETC.—Whoever shall by himself or another, either as principal, clerk or servant, directly or indirectly, violate any of the provisions of this Act, shall be guilty of a misdemeanor and punished as herein provided.

Section 41. PENALTIES, LICENSE FEES AND PROCEEDS PAID TO STATE TREASURER.—All fines, penalties, and all proceeds collected from goods confiscated and sold under the provisions of this Act and other laws relating to dairy and food products, and all license fees collected hereunder, shall be paid into the State Treasury and placed to the credit of the department charged with the enforcement of these laws, and shall be used in defraying the expenses and salaries provided for and paid out in the manner hereinbefore provided for the payment of salaries and expenses.

Section 42. LABEL—SIZE OF TYPE.—The principal label on any package of food, as defined by this Act, shall be printed in English with or without the foreign label in the language of the country where the product is produced or manufactured. The letters shall be either dark colored and on a light background or light colored on a dark background, and the size of type, if not otherwise described in this Act, shall be not smaller than eight-point (brevier) caps: *Provided*, That in case the size of the package will not permit the use of eight-point cap type, the size of the type may be reduced proportionately.

Section 43. FOOD COMMISSIONER TO MAKE RULES AND REGULATIONS.—The State Food Commissioner shall make rules and regulations for carrying out the provisions of this Act, and shall have power to make rules and regulations for the analyzing and reporting the results thereof, of articles submitted for analyses by the State Board of Health, and regulating the analyzing and reporting thereon of samples taken under any law or laws of the United States by any person appointed hereunder, or furnished by any officer or employe charged with the enforcement of the laws of the United States relative to the manufacture, sale or transportation of adulterated, misbranded, poisonous or deleterious foods, dairy products, or articles manufactured from dairy products, or liquors.

Section 44. STANDARD OF PURITY AND STRENGTH.—In the enforcement of this Act, and in the construction thereof, the following named articles of foodstuffs, when offered for sale or exposed for sale, or sold, shall conform to the analytical requirements set opposite each respectively: The standard for *Milk* shall be not less than eight and a half

(8.5) per cent solids not fat, and not less than three and twenty-five (3.25) per cent of milk fat, except during the months of May and June, when the standard shall be not less than three (3) per cent milk fat. *Condensed Milk and Sweetened Condensed Milk* shall contain not less than twenty-eight (28) per cent of milk solids and one hundred (100) per cent of such milk solids shall contain not less than twenty-seven and five-tenths (27.5) per cent of milk fat. *Cream*, ordinary or "coffee cream," shall contain not less than fifteen (15) per cent of milk fat.

*Whipping Cream* shall contain not less than twenty-two (22) per cent milk fat.

*Ice-Cream* shall be made from milk products with or without sugar, eggs, or natural flavoring, and shall contain not less than fourteen (14) per cent of milk fat.

*Maple Sugar* shall contain not less than sixty-five one-hundredths (0.65) per cent of maple ash in the water-free substance.

*Maple Syrup* shall contain not more than thirty-two (32) per cent of water and not less than forty-five (0.45) per cent of maple syrup ash.

*Honey* is laevo-rotatory, contains not more than twenty-five (25) per cent of water, not more than twenty-five hundredths (0.25) per cent of ash and not more than eight (8) per cent of sucrose.

*Cloves* shall contain not more than five (5) per cent of clove stems, not less than ten (10) per cent of volatile ether extract, not less than twelve (12) per cent of quercitannic acid, not more than eight (8) per cent of total ash, not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

*Black Pepper* shall contain not less than six (6) per cent of non-volatile ether extract, not less than twenty-five (25) per cent of pepper starch, not more than seven (7) per cent of total ash, not more than two (2) per cent of ash insoluble in hydrochloric acid, and not more than fifteen (15) per cent of crude fiber.

*Lemon Extract* shall contain not less than five (5) per cent of oil of lemon by volume.

*Orange Extract* shall contain not less than five (5) per cent of oil of orange by volume.

*Vanilla Extract* shall contain in one hundred (100) cubic centimeters the soluble matters from not less than ten (10) grams of vanilla bean.

*Olive Oil* has a refractive index (25° C.) not less than one hundred and forty-six hundred and sixty ten-thousandths (1.4660) and not exceeding one and forty-six hundred and eighty ten-thousandths (1.4680); and an iodine number not less than seventy-nine (79) and not exceeding ninety (90).

*All Vinegars* shall contain four (4) grams of acetic acid in one hundred (100) cubic centimeters (20° C.).

*Cider Vinegar* shall contain not less than one and six-tenths (1.6) grams of apple solids, and not less than twenty-five hundredths (0.25) grams of apple ash in one hundred (100) cubic centimeters (20° C.).

*Wine Vinegar* shall contain not less than one (1) gram of grape solids and not less than thirteen-hundredths (0.13) gram of grape ash in one hundred cubic centimeters (20° C.).

*Malt Vinegar* shall contain in one hundred (100) cubic centimeters (20° C.) not less than two (2) grams of solids and not less than two-tenths (0.2) gram of ash.

*Provided*, In the enforcement of this Act, and in the construction thereof, all articles of foodstuffs not



defined in this Act, when offered for sale, or exposed for sale, or sold, shall conform to the definitions and analytical requirements of the standards adopted and promulgated from time to time by the State Food Standard Commission. *Provided*, Any article of food or drink, or for any substance used or intended to be used in food or drink, shall be deemed *prima facie* evidence of the proper standard of quality, purity or strength of any such article or substance, but shall only be deemed such *prima facie* evidence in the trial of cases brought in the proper courts to enforce the provisions of this Act. *Provided further*, that nothing in this Act shall be construed to prevent the sale of any wholesome food product which varies from such standards, if such articles of food be labeled so as to clearly indicate such variation.

Section 45. PRELIMINARY HEARING BY THE COMMISSIONER.—When it appears from the examination or analysis that the provisions of this Act have been violated, the Food Commissioner shall cause notice of such fact, together with a copy of the findings, to be given to the party or parties from whom the sample was obtained; and to the party, if any, whose name appears upon the label as manufacturer, packer, wholesaler, retailer, or other dealer, by registered mail. The receipt of the Postoffice Department for such registered notice shall be received as *prima facie* evidence that such notice has been given. The party, or parties, so notified, shall be given an opportunity to be heard under such rules and regulations as may be prescribed as aforesaid. Notices shall specify the date, hour and place of the hearing. The hearing shall be private, and the parties interested therein may appear in person or by attorney. If, after such hearing, the Commissioner shall believe this Act has been violated, he shall cause the party, or parties whom he believes to be guilty, to be prosecuted forthwith, under the provisions of this Act.

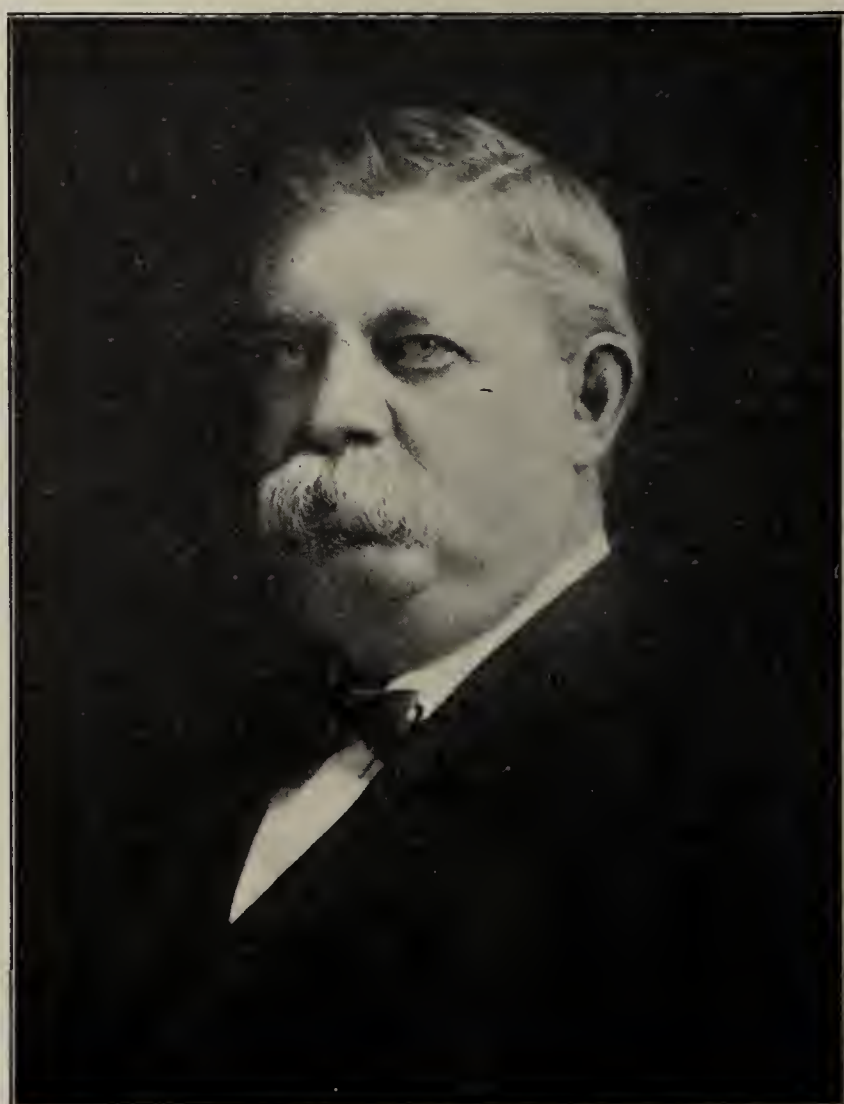
Section 46. PENALTY.—Any person convicted of violating any of the provisions of the foregoing Act shall, for the first offense, be punished by a fine in any sum not less than fifteen (15) dollars, and not more than one hundred (100) dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment in the discretion of the court, and for the second and each subsequent offense by a fine of not less than twenty-five (25) dollars and not more than two hundred (200) dollars, or by imprisonment in the county jail not exceeding one year, or both, in the discretion of the court; or the fine above may be sued for and recovered before any justice of the peace or any other court of competent jurisdiction in the county where the offense shall have been committed at the instance of the State Food Commissioner or any other person in the name of the people of the State of Illinois as plaintiff and shall be recovered in an action of debt.

Section 47. JUDGMENT—ISSUING CAPIAS.—When the rendition of the judgment imposes a fine as provided in any of the sections of this Act, it shall be the duty of the justice of the peace or other court rendering such judgment also to render a judgment for costs and such justice of the peace or other court shall forthwith issue a capias or warrant of commitment against the body of the defendant, commanding that unless the said fine and costs be forthwith paid the defendant shall be committed to the jail of the county and the constable or other officer, to whose hands said capias or warrant shall come, shall in default of such payment arrest the defendant and commit him to the jail of the county, there to remain as provided in Section 171 of "An Act to revise the law in relation to criminal jurisprudence," in force July 1, 1895, unless such fines and costs shall sooner be paid.

Section 48. REPEAL.—All acts and parts of acts inconsistent with this Act are hereby repealed.



HON. E. D. SHURTLEFF.  
Speaker Illinois House of Representatives.



HON. ALBERT GLADE.  
Chairman Committee on Manufactures.



# SYNOPSIS OF HOUSE COMMITTEE BILL No. 844.

Introduced by Committee on Manufacturers of the Illinois House of Representatives.

Introduced by the Committee on Manufacturers in House of Representatives and changes therein from original Lindly No. 163. Bill and Title same as original Bill No. 163.

PROVISION FOR APPOINTMENT OF A STATE FOOD COMMISSION AND THE ESTABLISHMENT OF A STATE FOOD DEPARTMENT. Same as original Bill No. 163, with exception that title of Assistant Commissioners held by the expert dairymen and State Analyst cut out, and their titles changed to conform to the character of work performed, also makes the Commissioner the absolute head of the Department and places the responsibility of the work of the Department upon the Commissioner. In addition to these changes there is also incorporated a provision for appointment of a State Food Standard Commission by the Governor.

Section 1. Paragraph 2. Number of offices and titles of officers created under the Food Commissioner and specific salaries stipulated. The original Bill created a good many more offices such as Inspectors and Chemists. The Committee Bill creates four additional Inspectors to the present force—one attorney, one secretary, one chemist and two stenographers.

Section 1. Paragraph 3. Appropriation of Twenty-Nine Thousand Five Hundred Dollars annually for salaries only. Bill 163 carried an appropriation of One Hundred and Twenty-Five Thousand Dollars annually, the expense for maintenance of laboratory, rent, inspectors and food commission's expenses, in traveling and purchase of samples is provided for in the General Omnibus Appropriation Bill and will be about \$23,000 more or \$52,500 in all.

Section 1. Paragraph 4. COMMISSIONER'S REPORT.—Same as original Bill No. 163.

Section 1. Paragraph 5. MAINTENANCE OF LABORATORY.—Original Bill No. 163 stated establishment and maintenance of laboratory which was done over eight (8) years ago. Present Bill therefore changed to read maintenance.

Section 2. POWER OF COMMISSIONER, AND INSPECTORS MAKING INSPECTION.—Has been changed and limits the power of the Commissioner and Inspectors from using their official position to disclose trade rights or secret processes or methods of manufacture and also cuts out the original provisions of this section to make it a crime for dealers or their employees to furnish information against themselves or employer and now only applies to employees of Express Companies, Railroads or other common carriers.

Section 3. REFUSAL TO ASSIST INSPECTOR MISDEMEANOR.—This has been changed to conform to the provision of Section 2, as in the original Bill and provision for the penalty, and applies now only to employees of Express companies, Railroads or other common carriers.

Section 4. SEALING AND TRANSMITTING SAMPLES.—This section has been changed from the original Bill to make it obligatory on the part of the Inspector to furnish a duplicate sample to party from

whom the original sample is taken. Under the original Bill he would not have to do this unless requested. This provision was changed for the benefit of many small dealers who would not know their rights under the original Bill and might not ask for a sample unless it was obligatory on the part of the Inspector to furnish it. The Inspector must also notify party of the object and purpose for which sample is taken.

Section 5. MANUFACTURING ADULTERATED OR MISBRANDED FOOD MISDEMEANOR.—Same as original Bill No. 163.

Section 6. POSSESSION MISBRANDED OR ADULTERATED ARTICLES PROHIBITED.—Same as original Bill No. 163.

Section 7. TERM FOOD DEFINED.—Same as original Bill No. 163.

Section 8. STANDARDS OF PURITY, STRENGTH, CONSTRUCTION, ETC.—This section has been transferred to Section 44.

Section 8. DEFINES ADULTERATION (formerly Section 9).—Change in the wording referring to confectionery.

Section 9. MISBRANDED DEFINED (formerly Section 10).—Same as the original Bill No. 163.

Section 10. CONFISCATION AND CONDEMNATION OF MISBRANDED OR ADULTERATED FOODS (formerly Section 11).—Almost same as original Bill No. 163 provision added for release of goods on payment of costs or furnishing of bonds for security.

Section 11. VINEGAR TO BE BRANDED (formerly Section 12).—Same as original Bill No. 163, with the exception of two words struck out.

Section 12. FRUITS, JELLIES AND JAMS (formerly Section 13).—Same as original Bill No. 163, with the exception of wording changed to include fifteen (15) per cent of glucose in fruits, jellies and jams.

Section 13. EXTRACTS TO BE LABELED (formerly Section 14).—Same as original Bill No. 163.

Section 14. BAKING POWDER—HOW LABELED (formerly Section 15).—Same as original Bill No. 163.

Section 15. ADULTERATED OR SPIRITUOUS, MALT OR VINOUS LIQUORS PROHIBITED (formerly Section 16).—Same as in the original Bill.

Section 16. MUTILATING LABEL PROHIBITED (formerly Section 17).—Same as in the original Bill.

Section 17. PERSONS RECEIVING MILK TO WASH CANS (formerly Section 20).—Same as original Bill, Sections 18 and 19 of the original Bill being cut out.

Section 18. NOT TO MANUFACTURE FOOD FROM IMPURE OR UNCLEAR MILK OR CREAM (formerly Section 22 in the original Bill).—Sections 20 and 21 of the original Bill cut out.

Section 19. SALE OF SKIM MILK—CANS—HOW LABELED (formerly Section 23).—Same as



original, amending word attaching to can instead of marking.

Section 20. INSTRUMENTS FOR MEASURING MILK AND CREAM STANDARDS (formerly Section 24 in the original Bill).—Same as original Bill.

Section 21. UNDERREADING BABCOCK TEST PROHIBITED (formerly Section 25).—Same as original Bill.

Section 22. SALE OF PRESERVATIVES PROHIBITED (formerly Section 26).—Same as original Bill.

Section 23. VEHICLES TO BE MARKED (formerly Section 27).—Amended and wording changed. Section 28 of original Bill struck out.

Section 24. COLORING GRAIN (formerly Section 29).—Same as original Bill, with exception of slight change in the wording.

Section 25. FUMIGATED GRAIN NOT TO BE ON SALE (formerly Section 30).—Same as in the original Bill, with the exception of slight change in the wording. Section 31 of original Bill struck out.

Section 26. ILLEGAL LARD (formerly Section 32).—Same as in the original Bill.

Section 27. LARD SUBSTITUTE (formerly Section 32).—Same as in the original Bill.

Section 28. PERSON SELLING IMITATION OR SUBSTITUTE FOR LARD TO INFORM PURCHASER (formerly Section 34).—Same as in the original Bill. Sections 35 and 36 of original Bill struck out.

Section 29. Amended with parts of Section 37.

Section 30. Is part of Section 38, from line 10 to line 15, inclusive. Line 1 to line 9, as in the original Bill cut out. Sections 39, 40 and 41 of the original Bill, struck out.

Section 31. SALE OF PROCESS BUTTER NOT BRANDED PROHIBITED (formerly Section 42).—Same as in the original Bill.

Section 32. PROCESS BUTTER—HOW BRANDED (formerly Section 43).—Same as in the original Bill.

Section 33. PERSONS SELLING PROCESS BUTTER TO INFORM PURCHASER (formerly Section 44).—Same as in the original Bill. Section 45 of original Bill struck out.

Section 34. ILLEGAL FOODS TO BE SEIZED (formerly Section 46).—Amended and changed.

Section 35. SEARCH WARRANTS TO BE ISSUED FOR ILLEGAL FOODS (formerly Section 47).—Same as in the original Bill.

Section 36. STATE'S ATTORNEY TO ASSIST (formerly Section 48).—This is the guarantee clause and has been amended pending the Attorney General's decision and will no doubt come in for general debate on second reading.

Section 37. STATE BOARD OF HEALTH TO FURNISH SAMPLES (formerly Section 49).—Same as in the original Bill.

Section 38. STATE ANALYSTS SHALL NOT FURNISH CERTIFICATE OF PURITY (formerly Section 51).—Same as in the original Bill. Section 50 struck out.

Section 39. USING SHIFT OR DEVICE (formerly Section 52).—Same as the original Bill.

Section 40. MASTER'S LIABILITY, ETC. (formerly Section 53).—Same as the original Bill.

Section 41. PENALTIES, LICENSE FEES AND PROCEEDS PAID TO STATE TREASURER (formerly Section 54).—Same as the original Bill.

Section 42. LABEL—SIZE OF TYPE (formerly Section 55).—Same as original Bill.

Section 43. FOOD COMMISSIONER TO MAKE RULES AND REGULATIONS (formerly Section 56).—Amended from the original Bill.

Section 44. STANDARDS OF PURITY AND STRENGTH (formerly part of Section 8) and amended, but to conform to provisions in Section 1, for the appointment of a Standard Commission.

Section 45. PRELIMINARY HEARING BY THE COMMISSIONER.—Amendment suggested at first meeting of the committee, by the State Food Department, has been adopted.

Section 57 of the original Bill struck out.

Section 46. PENALTY (formerly Section 58).—Same as the original Bill.

Section 47. JUDGMENT—ISSUING CAPIAS (formerly Section 59).—Same as the original Bill.

Section 48. REPEAL (formerly Section 60).—Same as the original Bill.

## OPINION ON THE CONSTITUTIONALITY OF THE GUARANTEE CLAUSE

By Attorney-General Stead of Illinois.

April 11, 1907.

Constitutional Law.

Hon. A. H. Jones,

State Food Commissioner,

1623 Manhattan Bldg., Chicago, Ill.

Dear Sir:—In your favor of the 4th inst., following your interview with my assistant, Mr. Dempcy, you request the opinion of this department as to the constitutionality of a section known as the "Guaranty Clause" to be incorporated in House Bill No. 163.

The purpose and intention of House Bill 163 is in

general indicated by its title to prevent fraud in the sale of dairy products, and to prevent and punish the sale of unhealthful, adulterated and misbranded food, liquor, and dairy products. Section 5 makes it unlawful for any person to manufacture for sale within the State of Illinois any article of food or drink which is misbranded or adulterated within the meaning of this act. Section six provides a penalty for having in possession any article of food or drink which is misbranded or adulterated with intent to sell the same, and



"Whoever shall have in his possession with intent to sell, sell or offer for sale, any article which is adulterated or misbranded within the meaning of this act shall be guilty of a misdemeanor and on conviction thereof shall be punished."

The bill then defines the word "food" and establishes a standard of purity and strength. The bill also defines minutely what shall constitute adulteration, and provides that articles of food shall be truly branded.

Section 11 provides for the confiscation and condemnation of misbranded or adulterated foods.

Various sections prohibit the sale or offering for sale or having in possession for the purpose of sale any article designed as an imitation of butter, and various other products.

All these sections are directed against what may be termed the "local dealer." For the violation of the act he would be liable.

It is proposed, however, to insert in the bill the following:

"That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in this state from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach in due course to the dealer under the provisions of this act."

After giving the matter of the above "Guaranty Clause" careful consideration, I would state that the constitutionality of this provision is, in my judgment, very doubtful. The general rule is, as enunciated repeatedly by the Supreme Court of the United States,

that any local regulation which, in terms or by its necessary operation, denies to owners of articles of commerce in other states the right to compete in the markets of the state upon terms of equality with the owners of like articles within the state is, when applied to the people and products or industries of other states, a direct burden upon commerce among the states and therefore void. (*Brimmer v. Rebman* 138 U. S., 82; *Voight v. Wright* 141 U. S., 63.)

Where compliance with the requirements of the statute is impossible to the non-resident trader, and its enforcement against him would operate as a practical prohibition of his business, particularly if the regulation is not impossible of performance to the resident, who is engaged in the same business—the regulation will be declared to be an unconstitutional interference with interstate commerce. (*Minnesota v. Barger*, 136 U. S. 313; *In re Schechter*, 63 Fed., 695.)

The Court announces these principles in many other cases.

In view of these principles the constitutionality of said "Guaranty Clause" is open to grave question.

In your interview with my assistant, Mr. Dempcy, it was suggested that said "Guaranty Clause" be amended so as to provide that guaranty signed by a wholesaler, jobber, or manufacturer, either in this State or without this State, should be a sufficient defense.

It was further suggested that, should such amendment be inserted, the objection to the "Guaranty Clause" as quoted above would be obviated. While the constitutionality of the clause as thus amended would seem to be less doubtful, yet I am not prepared to say that it would be entirely free from constitutional objections. The insertion of the guaranty clause in either form would be interjecting a provision of doubtful validity.

Very respectfully,

W. A. STEAD,  
Attorney General.

#### LIST OF FOOD INSPECTION DECISIONS.

F. I. D.—

1-39 practically concern imported foods only and were not issued under the food and drugs act June 30, 1906.

F. I. D.—

- 40. Filing Guaranty.
- 41. Approval of Labels.
- 42. Mixing Flours.
- 43. Relabeling of Goods on Hand.

F. I. D.—

- 44. Scope and Purpose of Food Inspection Decisions.
- 45. Blended Whiskies.

F. I. D.—

- 46. Fictitious Firm Names; also F. I. D. 46, as amended.
- 47. Flavoring Extracts.
- 48. Substances Used in the Preparation of Foods.

F. I. D.—

- 49. Time Required to Reach Decisions on Different Problems Connected with the Food and Drugs Act, June 30, 1906.
- 50. Imitation Coffee.
- 51. Coloring of Butter and Cheese.
- 52. Form of Label.
- 53. Formula on the Label of Drugs.

F. I. D.—

- 54. Declaration of the Quantity or Proportion of Alcohol Present in Drug Products.
- 55. Method of Stating Quantity or Proportion of Preparations (Containing Opium, Morphine, etc.) Used in Manufacturing Other Preparations.
- 56. Names to be Employed in Declaring the Amount of the Ingredients as Required by the Law.
- 57. Physicians' Prescriptions: The Status of Packages Compounded According to Physicians' Prescriptions and Entering into Interstate Commerce.
- 58. The Labeling of Products Used as Food and Drugs as well as for Technical and Other Purposes.
- 59. National Formulary Appendix.

#### New View.

"The trouble with you ladies of the W. C. T. U. is," said a man to a member of that organization, "that instead of opposing the christening of a vessel with champagne, you ought to encourage it and draw from it a great temperance lesson."

"Why, how can we?" asked the "white ribboner."

"Well," was the reply, "after the first taste of wine the ship takes to water and sticks to it ever after."



F. I. D. 46. as amended.

Issued March 22, 1907.

# United States Department of Agriculture

## BUREAU OF CHEMISTRY

H. W. WILEY, Chief of Bureau.

### FOOD INSPECTION DECISION 46, AS AMENDED.

#### Fictitious Firm Names.

F. I. D. 46, issued on December 13, 1906, on the subject of fictitious firm names, is hereby amended to read as follows, for the purpose of obviating any ambiguity that may have existed in the original decision. The amended portion is set in italics.

The following extract from a letter is typical of a question frequently asked:

In connection with our manufacture of flavoring extracts, we produce an article containing a certain percentage of artificial coumarin and vanillin. This product has been placed on the market under the name of \_\_\_\_\_ and Company, a fictitious firm, although dealers have always understood that it was our product. Is there any objection to our continuing to brand the product as manufactured by \_\_\_\_\_ and Company?

The same question has frequently been asked by importers who state that they desire to assume the responsibility for particular brands.

It has been held by the Attorney-General (F. I. D. 2) that—

the words “ \* \* \* Daisy Sugar Corn, \_\_\_\_\_ Company, Milwaukee, Wis.” clearly imply that the goods referred to are manufactured or prepared by that company in Wisconsin. The general public, unfamiliar with trade practices, would inevitably reach that conclusion.

Regulation 18 provides that if the name of the manufacturer and the place of manufacture be given, they must be the true name and the true place. It would appear, therefore, that the use of a fictitious name in such a manner that it would be understood to be the name of the manufacturer would be clearly a violation of Regulation 18. It is apparent that the provisions of Regulation 18 will not be fulfilled by the nominal incorporation of a fictitious firm. The regulations require that goods must be actually manufactured by the firm represented on the label as the manufacturer.

When a proper name, other than that of the manufacturer, is placed upon a label it must not be used in the possessive. For instance,

CHARLES GASTON'S  
OLIVE OIL  
BORDEAUX

can only be properly used on an oil manufactured by Charles Gaston at Bordeaux. The same is true if the designation

GASTON'S  
OLIVE OIL  
BORDEAUX

be employed.

On the other hand, the word “Gaston” might be used in an adjective sense, and not in the possessive case as qualifying the words “olive oil,” in a manner

that would indicate that it represented a brand and not a manufacturer, as

GASTON OLIVE OIL.

Or

OLIVE OIL, GASTON BRAND.

In such case, however, neither given name nor initials should be employed. The word “Gaston” should be in the same type as “olive oil” and in equal prominence, thus forming a part of the label.

*The phrase “Olive Oil, Charles Gaston Brand,” may be used, in which case the name of the actual manufacturer should appear, in order that no false indication of the name of the person or firm manufacturing the product may be given.*

JAMES WILSON,  
Secretary of Agriculture.

Washington, D. C., February 21, 1907.

Dr. Harvey W. Wiley, chemist of the Department of Agriculture and protector in chief of the American stomach, maintains as a proposition of law, if not of chemistry, that whisky is not whisky if it contains anything else. According to this official dictum the plain drunk may plead that he did not drink anything intoxicating; that he drank something that may once have been whisky, but it had sugar and lemon in it, and therefore it was not whisky under the decision of Dr. Wiley. But Secretary Wilson disagrees with Dr. Wiley and the question has been appealed to the president for final adjudication. As the president has scant patience with the technicalities and refinements of the law and chemistry, it is not difficult to conjecture that he will relieve police magistrates of all embarrassment arising out of Dr. Wiley's opinion.—Chicago Chronicle.

The subscriber oweth,  
The wind bloweth,  
The water floweth,  
And the Lord knoweth  
We are in need of our dues;  
So come a-running—  
This thing of dunning  
Gives us the blues.

—Western Publisher.

#### Roast, Stew, Hash and Soup.

Landlady—Do you think that death ends all?  
Mr. Hall Roome—Not for four days, in the case of a turkey.



# United States Department of Agriculture

## BUREAU OF CHEMISTRY

H. W. WILEY, Chief of Bureau.

### FOOD INSPECTION DECISIONS 54-59

54. Declaration of the quality or proportion of alcohol present in drug products. 55. Method of stating quantity or proportion of preparations (containing opium, morphine, etc.) used in manufacturing other preparations. 56. Names to be employed in declaring the amount of the ingredients as required by the law. 57. Physicians' prescriptions: The status of packages compounded according to physicians' prescriptions and entering into interstate commerce. 58. The labeling of products used as food and drugs as well as for technical and other purposes. 59. National Formulary appendix.

(F. I. D. 54.)

#### DECLARATION OF THE QUALITY OR PROPORTION OF ALCOHOL PRESENT IN DRUG PRODUCTS.

The question of stating the percentage of alcohol present in drug products has caused a multitude of inquiries. The following questions along this line serve as examples:

Is it necessary to give the amount of alcohol present in U. S. Pharmacopœial or National Formulary products? It seems to me that such a requirement is absurd, and not contemplated within the spirit of the act. None of them are patent medicines. Will I be compelled to tell how much alcohol is present in such goods?

If we apply for and obtain a serial number, must we in addition to putting this number on our labels state the per cent of alcohol?

Will it be necessary to give the per cent of alcohol present in such products as ether, chloroform, colloid, spirit of nitrous ether, and similar preparations?

The law is specific on the subject of declaring the amount of alcohol present in medicinal agents, as can readily be seen from the following language: "An article shall also be deemed misbranded \* \* \* if the package fail to bear a statement on the label of the quantity or proportion of any alcohol \* \* \* contained therein." No medicinal preparations are exempt, whether they are made according to formulæ given in the U. S. Pharmacopœia or National Formulary or formulæ taken from any other source. The serial number, with or without the guarantee legend, does not exempt a preparation from this requirement. The law does not make any statement as to the amount of alcohol that may or may not be employed. It requires, however, that whatever amount be present shall be set forth on the label. The percentage of alcohol given on the label should be the percentage of absolute alcohol by volume contained in the finished product. The manner in which it should be printed is shown in F. I. D. 52.

JAMES WILSON,  
Secretary of Agriculture.

Washington, D. C., March 13, 1907.

(F. I. D. 55.)

#### METHOD OF STATING QUANTITY OR PROPORTION OF PREPARATIONS (CONTAINING OPIUM, MORPHINE, ETC.) USED IN MANUFACTURING OTHER PREPARATIONS.

Many inquiries are received as to the method of stating the quantity or proportion of preparations (containing opium, morphine, etc.) used in the manufacture of other preparations. Of these the following are typical:

If the label on the bottle were to bear the words "Tincture of Opium," I reason that as this is a definite preparation, constituting a preparation of opium, and so definite as to its composition that to any intelligent person it expresses definitely all that it is desirable to express, the use of this title alone should be sufficient. I feel that as a preparation it is distinct from opium, and if this particular tincture is used in the manufacture of a preparation the mention of it alone should be sufficient.

Where extract or tincture of cannabis indica, or extract of opium, is employed in making other drug products, would it not be complying with the law if the use of such articles be clearly indicated on the label as prescribed by the law, or is it necessary to give the actual amounts of the drugs themselves represented by these preparations?

Names of drug products bearing any of the names of the ingredients enumerated in the act are construed as representing "preparations" within the meaning of the act; and if the same are clearly declared upon the label as required by Regulations 17 and 30, it will not be necessary to give the actual amount of the primary drugs used or represented by such article. It is desirable, however, that the word or words used in the law shall constitute the first part of the name of the product. For example: "Opium, Tincture of;" "Cannabis Indica, Extract of," followed by the amount of tincture or extract used.

JAMES WILSON,  
Secretary of Agriculture.

Washington, D. C., March 13, 1907.



(F. I. D. 56.)

### NAMES TO BE EMPLOYED IN DECLARING THE AMOUNT OF THE INGREDIENTS AS REQUIRED BY THE LAW.

Many inquiries are coming to this Department relative to the names that may be employed in declaring the quantity or proportion of the ingredients, as required by Congress.

The following are representative:

The word "alcohol" has received so much unfavorable notoriety during the last few years that we hesitate to place it upon our labels. Could we not employ some other words in place of it, such as "cologne spirits," "spirits of wine," "pure grain alcohol," etc.?

Would it be satisfactory for us to use "Phenylacetamide," or the following formula,  $C_6H_5(CH_3CO)$ , for the chemical acetanilide?

One of our preparations contains trichlorethidene ethyl alcoholate, which would undoubtedly under the law be considered a derivative of chloral hydrate. Will it be satisfactory for us to use this name on our trade packages in giving the amount of this chemical present in the product?

In the manufacture of some of our products we use opium. It would, however, be a financial loss to state this fact on the label. Could we not say this preparation contains 20 grains of the concentrated extract of the *Papaver somniferum* to the fluid ounce?

Dover's powder is mentioned in the regulations as one of the preparations of opium. It would seem sufficient at first glance that Dover's powder as a preparation, if mentioned on the label, would be all that could be required as to opium.

One of the objects of the law is to inform the consumer of the presence of certain drugs in medicines, and the above terms do not give the average person any idea as to the presence or absence of such drugs. In enumerating the ingredients, the quantity or proportion of which is required to be given upon the principal label of any medicinal preparation in which such ingredients may be present, the act uses only common names, and the permission to use any but such common names for any ingredients required to be declared upon the label is neither expressed nor implied in any part of the law.

The term used for acetanilide is "acetanilide" and not phenylacetamide. No reference is made to the use of the chemical formula in designating the presence of chemicals. The words "chloral hydrate" appear in the act, but not the chemical name trichlorethidene glycol. It can readily be seen that if the act were not closely adhered to in this connection there would soon be such a confusion and multiplicity of names and phrases that one of the objects of the act would be defeated.

The names to be employed in stating the quantity or proportion of the ingredients required by the act to appear on the label of all medicinal preparations containing same are—

First. Those used in the law for the articles enumerated; example, "alcohol," not "spiritus rectificatus."

Second. In the case of derivatives: (a) The name of the parent substance used in the act should constitute part of the name; example, "chloral acetone," not "trichlorethidene dimethyl ketone." (b) The trade name, accompanied in parentheses by the name of the parent substance; example, "dionine (morphine derivative)."

Third. Names of preparations containing the name of some ingredient used in the act. In such cases the name used in the act should constitute the first portion of the name of the preparation. (See F. I. D. 55.)

Fourth. Common names (such as laudanum, Dover's powder, etc.) of preparations containing an ingredient enumerated in the law, provided such name or names are accompanied in parentheses by some such phrase as "preparation of opium" or "opium preparation," followed by the number of minims or grains, as specified in the regulations; for instance, "laudanum (preparation of opium), 40 minims per ounce."

JAMES WILSON,

Secretary of Agriculture.

Washington, D. C., March 13, 1907.

(F. I. D. 57.)

### PHYSICIANS' PRESCRIPTIONS.

#### The Status of Packages Compounded According to Physicians' Prescriptions and Entering Into Interstate Commerce.

Packages resulting from the compounding of physicians' prescriptions under the food and drugs act are the subject of many queries, of which the following are representative:

If a druggist compounds a physician's prescription and sends it into an adjoining State, will it be necessary to state upon the label the amount of alcohol, morphine, etc., that may be present?

Supposing a regularly licensed practicing physician has patients located in various States of the Union and supplies medicines to them through the mails, by express, and otherwise, do such packages come under the provisions of the law, and, if so, can the required information be given in pen and ink on the label?

We treat drug addictions on a very gradual tonic treatment reduction plan. For instance, if John Doe writes for information as to the home treatment for his addiction, I send him a symptom blank which contains, among other questions, an inquiry as to the kind of drug he uses, how he uses it, the length of time he has used it, etc. In addition to giving me a complete history of his case, he states he is using 10 grains of sulph. of morphine (each twenty-four hours), hypodermically or internally, as the case may be. In prescribing in his case I immediately put him on just one-half of the amount he reports as his daily allowance, combining same with a bitter tonic.

It is necessary for the reduction in drug cases to be made without the patient's knowledge. It is, of course, understood by all physicians that you cannot trust a drug habitué to properly make his own reductions, for, as a matter of fact, if he knew to what extent I was reducing his daily allowance of opiates, he would imagine the reduction too rapid, he would get frightened, and would take to his former drug for relief. Treatment prepared in this way I do not think would come under the head of a proprietary preparation or a patent medicine, as I prescribe the contents of each bottle to meet the requirements of each individual patient. All instructions as to the conduct of treatment and the use of auxiliary remedies are given by letter; consequently there are no printed labels or cartons containing any claims concerning the efficacy of this treatment.

I would be pleased to have you inform me whether in your opinion I would be violating the pure-food law in any manner, shape, or form should I continue



to label my preparations as I am now doing, and in having them prepared in ——— and forwarded direct to my patients in this and other States.

If a package compounded according to a physician's prescription be shipped, sent, or transported from any State or Territory or the District of Columbia by a compounder, druggist, physician, or their agents, by mail, express, freight, or otherwise, the label upon such package is required to bear the information called for by Congress. If, however, the patient himself, or a member of his household, or the physician himself carries such package across a State line, and such package is not subject to sale, it is held that such package need not be marked so as to conform with the law, because such a transaction is not considered one of interstate commerce.

The package may be marked so as to comply with the act by either stamp, pen and ink, or typewriter, provided all such written matter is distinctly legible and on the principal label, as prescribed in Regulation 17.

JAMES WILSON,  
Secretary of Agriculture.

Washington, D. C., March 13, 1907.

(F. I. D. 58.)

#### **THE LABELING OF PRODUCTS USED AS FOODS AND DRUGS AS WELL AS FOR TECHNICAL AND OTHER PURPOSES.**

Frequent requests for information relative to the proper labeling of products bearing the names of foods and drugs, but used also for technical and other purposes, are received. The following are typical:

We will kindly ask you to advise us in regard to the new law that governs the line of oils. We manufacture a compound product, so-called "turpentine," which contains pure turpentine and a very fine petroleum product. It is used in most branches where pure turpentine is used, with the exception of medicinal purposes, for which we do not sell it.

We understand that if we were to sell any cotton-seed oil so branded as to indicate that it was intended to be used as a food, as, for example, under the brand "Blank Salad Oil," it would be necessary to observe the requirements of the law referred to; but we are in doubt and would be glad to have your opinion as to whether a sale or shipment of this oil (for lubricating purposes) under the ordinary trade brand of cotton-seed oil, and without anything to indicate that it was of a quality suitable for use as a salad oil, would subject us to the provisions of the act.

During personal interviews the question of marking chemical reagents has also been discussed.

Products used in the arts and for technical purposes are not subject to the food and drugs act. It is, however, a well-recognized fact that many articles are used indiscriminately for food, medicinal, and technical purposes. It is also well known that some products employed for technical purposes are adulterated or misbranded within the meaning of this act. Inasmuch as it is impossible to follow such products into consumption in order to determine to what use they are finally put, it is desirable that an article sold under a name commonly applied to such article for food, drug, and technical purposes be so labeled as to avoid possible mistakes. The ordinary name of a pure and normal product, whether sold for food, drug, technical, or other purposes, is all that is necessary. Pure cotton-seed oil or turpentine may be sold without any re-

strictions whatever, whether such article is sold for food, medicinal, or technical purposes, but it is suggested that a cotton-seed oil intended for lubricating purposes, or a so-called turpentine consisting of a mixture of turpentine and petroleum oils, used by the paint trade, be plainly marked so as to indicate that they are not to be employed for food or medicinal purposes. Such phrases as the following may be used: "Not for Food Purposes," "Not for Medicinal Use," or for "Technical Purposes Only," or "For Lubricating Purposes," etc.

In order to avoid complication it is suggested that chemical reagents sold as such be marked with such phrases as the following: "For Analytical Purposes," or "Chemical Reagent," etc.

JAMES WILSON,  
Secretary of Agriculture.

Washington, D. C., March 13, 1907.

(F. I. D. 59.)

#### **NATIONAL FORMULARY APPENDIX.**

The National Formulary is one of the standards recognized under the law. The question has been asked a number of times whether the appendix of this authority would be construed as part and parcel of the book itself. On page IV of the preface it is distinctly stated that the formulæ collected in the appendix of the National Formulary are "no longer designated as 'N. F.' preparations." This shows that these formulæ are not integral parts of the book under the law, which covers only those products of the National Formulary recognized as such by this authority. By this it is understood that if a drug product is sold under a name contained in the appendix of the National Formulary, it will not be necessary for such product either to conform to the standard indicated by the formula or to declare upon the label its own standard strength, quality and purity if a different formula is employed in its manufacture. Such articles are, however, subject to the law in every other respect, as is the case of other medicinal products not recognized by the U. S. Pharmacopœia or National Formulary.

JAMES WILSON,  
Secretary of Agriculture.

Washington, D. C., March 13, 1907.

#### **GREAT BRITAIN REJECTS METRIC SYSTEM.**

The House of Commons to-day by 150 to 110 votes rejected the bill purposing to introduce the metric system into Great Britain. Mr. Lloyd-George, president of the Board of Trade, in behalf of the government, said the adoption of the system would be a dangerous and costly experiment by which Great Britain would lose the advantage which she now possesses in foreign markets over her metric system competitors.

#### **Provident.**

Mr. Porkpacker—Yes, sir; my canned meats I guarantee will keep good for years in any climate.

Mr. Taffeigh—I'm glad, sir, to have met you. I admire a man who has made some provision for the future.

#### **Balked Investigation.**

Poulterer—Was that a good chicken I sold you last Saturday?

Customer—I don't know. We couldn't bite far enough into it to catch the flavor.



# THE AMERICAN FOOD JOURNAL



Published Monthly at 334 Dearborn Street, Chicago

By H. B. MEYERS & CO.

Telephone Harrison 2473

Subscription, \$1.00 Per Year Foreign Subscription, \$1.50

Address all communications and remittances and make drafts, checks and money orders payable to THE AMERICAN FOOD JOURNAL, 334 Dearborn Street, Chicago.

All reading and advertising matter to appear in THE AMERICAN FOOD JOURNAL must be received at this office on or before the 12th of the month.

COPYRIGHT, 1907, BY H. B. MEYERS.

## THE ILLINOIS COMMITTEE BILL.

The so-called Administration Bill has been favorably reported by the Manufactures Committee of the House of Representatives, and with all amendments is printed in this issue of THE AMERICAN FOOD JOURNAL in advance of all other publications.

The Committee has undoubtedly greatly improved the bill from its original form, rejecting the United States Dispensatory and U. S. Pharmacopeia as standards for food, and adopting many of the suggestions of this journal.

We would scarcely like to suggest any amendment or change for fear of endangering the bill as a whole. However, in view of the opinion of the attorney general, as published in this issue, it would seem best to drop the guarantee clause unless something better in the way of relieving the retailer of responsibility can be offered.

In prohibiting particular chemical preservatives, no good reason can be assigned for not condemning sulphites and benzoates and for prohibiting borax. The best authorities are of the opinion that borax and boric acid are the least injurious of preservatives and the unusual prevalence of ptomaine poisoning the past year may point to the chemical preservation of food as the least of two evils.

Section second, article second, of the National Food and Drugs Act, declaring in effect that a food shall be considered misbranded "if it shall fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilid or any derivative or preparation of any such substances contained therein" has been incorporated bodily into the Illinois bill, although with what object who can tell? Where is the logic of positively prohibiting borax and allowing the use of morphine, opium, chloroform, etc., a thousand times more poisonous, if labeled. What, in fact, is the excuse for allowing any of these powerful and dangerous drugs in foods. Many of them cannot be bought as drugs except on a physician's prescription. They ought to be positively prohibited in foods. To this end the general definition of adulteration would be all sufficient.

While the standards of purity and strength incorporated in the bill are a little improvement on those originally suggested there is still room for improve-

ment, and inasmuch as the bill contains provision for a Food Standard Commission, why not leave such matters to the Commission, who certainly would be more capable of passing on the amount of ash allowed in maple sugar than would members of the legislature. But, if such standards are to be incorporated, we take the liberty of suggesting that the fat standard recommended for milk be raised to 3.3 or even 3.5 except during May and June, as the standard incorporated (3.25) is a chemical rather than a practical standard.

The 14 per cent butter fat standard for ice cream is so high that personally we fear we will have to cut that delicacy out of our bill of fare next year, except on the 4th of July and pay days, provided the manufacturers are not forced out of business.

The maple sugar standard of not less than .65 per cent ash in the water free substance would exclude from the markets the best maple sugars, as samples of undoubted purity contain but 50 per cent of ash and little moisture. In fact, the lower the per cent of ash in genuine goods the better the product. Excessive ash comes from impurities collected in the sap and from inferior quality of sap. However, the standard should be high enough to exclude admixtures with cane sugar.

The ash allowance on black pepper is entirely too liberal—in fact, is worse than useless to the chemist. Manufacturers unite in demanding a more strict standard for pepper.

In view of the fact that a 1.75 standard for total solids in vinegar has been enforced with satisfaction for six years by the Illinois Food Commission, there seems to be no valid reason for reducing it just to conform to standards adopted by the Secretary of Agriculture. Illinois may want purer and better food than some communities are satisfied with.

We would therefore recommend that standards of quality be left to a commission competent to handle the subject. However, if any change would delay or endanger the bill as a whole, we could swallow these faults without making a very wry face.

The loop-hole through which any person could escape the penalty of the law has been sealed up, namely, the excuse of not knowing the article was adulterated. Fines and penalties have been reduced so that trials can be commenced in lower courts.

Definitions of adulteration and misbranding have been enlarged and made more stringent. The administrative force has been increased and the Food Commission placed on a more satisfactory financial basis.

Process or renovated butter is required to be sold as such, and cannot masquerade as creamery or dairy butter.

A provision requiring uniform instruments for the measurement of fat in milk and various other acts acceptable to the dairy and creamery interests have been added. In fact, the entire bill must be carefully studied to show all the improvements over the old State Food Law.

## THE GUARANTEE CLAUSE.

The opinion of Attorney General W. A. Stead of Illinois as to the constitutionality of the guarantee clause in the proposed Illinois Pure Food bill clears the atmosphere somewhat, but fails to shed any light on any better method of relieving the retailer from responsibility in goods purchased in good faith as complying with the State food law.



It is evident that the guarantee clause as at present written is useless and might invalidate the entire bill.

Nor would it be any improvement to change the clause to accept the guarantee of any party whether residing within or without the state. According to the attorney general the constitutionality of a clause of this character would be open to almost as grave doubt. In addition it would leave a loop-hole for any dishonest dealer within the state or manufacturer of other states to evade the law with impunity. In certain cases where goods could be secured in the original package it might be possible to sick the national food authorities on the outside manufacturers, but in the majority of instances all parties would have to be relieved of responsibility, as the state cannot go beyond its borders in inflicting punishment for wrong doing. Possibly the difficulty might be overcome, as in the New York proposed food law, by relieving the retailer of responsibility whenever the manufacturer will voluntarily submit himself to the jurisdiction of the state.

After all, a certain amount of responsibility ought to be born by the retail dealer. It will elevate the business. The pharmacist must pass a rigid examination to be eligible to sell drugs, and if he makes a mistake is amenable to the law. Physicians are required to reach a still higher standard of education in their business. It is getting so even a barber must pass an examination and receive a license before the state will allow him to do business. The groceryman should at least be intelligent enough to purchase goods from reliable and responsible parties. It is safe to say that a great deal of the adulteration of the past has been practiced because the dealer demanded cheap goods and refused to pay the price the unadulterated goods commanded. It is safe to say that in relatively few instances has a dealer been prosecuted for selling goods which he believed to be pure, or which he could not, with reasonable diligence, have discovered to be adulterated. The exceptions are usually in the case of grocers who do not yet speak the English language, or who are receiving their first knowledge of a State pure food law. It is true that whenever possible the law should reach the original perpetrator of the fraud, but the rights of the defrauded consumer should be first considered.

#### METHODS OF ANALYSIS MAY BE AT FAULT.

The rather acrimonious discussion indulged in in this issue by Commissioner Ladd of North Dakota and Prof. A. Lasche, regarding each other's competency as chemists will furnish interesting reading and may call attention to some inaccuracies in analytical methods. We have too much respect for the ability of the two gentlemen to believe all they say of each other.

In the communications received, Prof. Lasche criticises Prof. Ladd's alcohol figures on whisky, claiming many of them show a percentage of alcohol below that indicated by the Specific Gravity of the sample—a chemical impossibility—and others again are credited with a percentage of alcohol higher than that calculated from the Specific Gravity of the sample and the total solids. Prof. Ladd while he does not go into the defense of his own figures quotes the proceeding of the Official Agricultural Chemists where Prof. Lasche reports the Specific Gravity of a sample radically different from nine other chemists working on the same sample, from which fact he draws the conclusion that Prof. Lasche is not so much on Specific Gravity himself. Other illustrations of each other's

ignorance are freely quoted which will be accepted at market value by chemists, but the Specific Gravity and alcohol controversies are mentioned with a view of explaining to the reader, who may not be an analytical chemist, that organic chemistry has not yet reached that state of perfection where results can be expressed correctly to the second place of decimals and in the determination of alcohol by Specific Gravity far from it.

In the first place, Specific Gravity must be determined at a temperature of 15.56 deg. C. or 60 deg. F., an artificial temperature in food laboratories in this country, and consequently if taken with a pycnometer—by weight, the recorded weight must be caught on the fly—on account of change of volume and consequently displacement due to rise in temperature and also to condensation of moisture on the outside of bottle.

The various alcohol tables are all constructed for the determination of alcohol at this temperature and even these tables are not concordant among themselves differing easily by .1 per cent alcohol by volume. In this connection it might be well to call attention to a typographical error in the alcohol tables given in the official methods of food analyses, where a Specific Gravity figure corresponding to 30.50 per cent alcohol by volume should read 96481, not 96181 corresponding to an alcohol percentage of about 33.00.

Alcohol determined from Specific Gravity of a distillate of distilled liquors cannot be exact—due to influence of aldehydes—higher alcohols and even volatile acids on the Specific Gravity. Neither must we expect the Specific Gravity of a distillate of even a distilled liquor free from solids to be exactly the same as the Specific Gravity of the distillate due in part to some of the higher alcohols not passing over with the ethyl alcohol and water.

However, far greater errors undoubtedly arise from loss of vapor of alcohol in distilling concentrated liquor, and from traces of alcohol remaining in the distilling flask.

The official method for determining alcohol is undoubtedly faulty. The following figures, obtained by Dr. Eaton, are given in confirmation. The old method recommended by the Agricultural Chemists—in which thirty grams instead of 50 cc. of the sample is taken or direct distillation as recommended by Leach, will undoubtedly give more nearly correct results.

Number.	Alcohol from Specific Gravity.	Alcohol by Official Method.	Difference.	Alcohol by Direct Distillation	Difference.
1	54.10	52.40	- 1.70	53.29	- .81
2	48.09	48.00	- .09	47.45	- .54
3	50.62	48.00	- 2.62	49.61	- 1.01
4	50.52	50.10	- .42	50.70	+ .18
5	44.60	43.10	- 1.50	44.20	- .40
6	50.18	49.60	- .58	50.42	- .24
7	50.21	49.42	- .79	.....	.....
8	49.61	49.58	- .03	.....	.....
9	51.38	51.52	+ .14	.....	.....
10	49.81	49.72	- .09	.....	.....

The above will indicate that some "accidents" in Specific Gravity and alcohol determinations are perhaps pardonable, and in the meantime we hope neither party will be hung on the other's testimony.

We are again forced to omit our Directory of Food Control Officials.



## FOOD AND DRUG INSPECTION IN NEW HAMPSHIRE.

C. D. Howard, chemist for the State Board of Health of New Hampshire, reports 1,756 samples of food products examined during the two years ending September 30, 1906.

Of this number 825 or 46.9 per cent were found to be adulterated, misbranded or at variance with the standard.

Much of the adulteration was in the use of anti-septics in food, which is contrary to the regulation of the State Board of Health.

One hundred and thirteen samples of beverages were examined. All the lime juice examined contained preservative in some form.

Two samples of cocoa were found adulterated with cereal starch and four samples of ground package coffee misbranded.

The cream of tartar examined was generally pure, but a sample of "Sunshine Baking Powder" contained but 3.69 per cent available carbon dioxide, or one-third normal strength. This is about the lowest percentage of available gas yet found.

Bottled pop often contained saccharin, this being true of the products of Rudolph Liebig and J. J. Hanley, both local firms in Manchester, N. H.

Almost all the samples of catsup examined contained benzoate of soda.

Dried fruits were frequently found to be bleached by use of sulphurous acid.

Thirteen out of thirty samples of extracted honey examined were adulterated, showing a much greater amount of adulteration of this commodity in the East than in the West.

Ninety-four samples of lemon extract were examined and 73 found adulterated—that is, below the legal requirement in lemon oil. The production of low-grade lemon extract seems to be universal. The consumer should demand Dr. Price's or other extract of recognized strength and purity.

Maple syrup showed large admixture with cane sugar syrup.

Sausages and commuted meats of all kinds, as well as pressed ham, tongue and codfish, were generally preserved with borax.

Of 129 samples of milk examined, 42 were found below standard, and these mostly not encountered in the regular inspection, but finished by dealers.

The standard for solids in milk is rather high in New Hampshire (13 per cent) and milk must be of extra quality to meet the requirements.

Molasses was frequently found adulterated with glucose, but only about 7 per cent of oysters was found adulterated with borax, which the chemist regards as showing the good work of the Food and Drug Commission.

Nine samples of Worcestershire Sauce were examined, including all brands on the market. "Of this number," says Mr. Howard, "the only adulterated sample was the well known Lea and Perrins, the latter being preserved with salicylic acid. The manufacturers of this brand are evidently relying upon its reputation and extensive advertising to override in the public estimation any deficiency of this nature. Recently this brand was found fault with in one of the Western states and the Food Commissioner was subsequently informed by the manufacturer that that particular state would henceforth be supplied with unpreserved stock. Purchasers of Worcestershire should

appreciate that while the variety containing antiseptic aside from this objection may be of good quality and prepared under hygienic conditions, the unpreserved form must necessarily be of the latter class."

While condemning Lea and Perrins "Worcestershire" it might not have been a bad idea to suggest that all the other varieties are selling under a name they have no moral right to, and will probably be compelled under the National Food Law to designate as "Worcestershire type."

Spices were generally pure, but vanilla extract and vinegar frequently adulterated.

The Board of Health of New Hampshire and their chemist, Mr. Howard, are to be congratulated in their biennial report. The report is full of facts and information valuable to the consumer; is definite, concise, and shows with minuteness the work done.

The food samples analyzed are classified and the adulterated samples reported in tabular form, stating where sample was collected, the name of the manufacturer and results of analyses, as has been the custom for many years in Minnesota and Illinois.

The name of the retail dealer was not disclosed because the defects of the New Hampshire law would not admit of prosecutions and the Board of Health takes the position that the retail dealer is innocent of intention to defraud.

One serious defect in the otherwise model report of the Board of Health is, that it contains no financial statement. The people are entitled to a detailed account of the expenditures of their money.

## "AN AMERICAN DESPOTISM."

The only way to secure perfectly satisfactory legislation is to make it to order. Other ways are suggested, as, for example, the abolition of the senate; the direct election of United States senators, and the formation of a people's lobby, but all these methods are defective. In spite of all vigilance some bill will pass which is intended to benefit the country rather than yourself.

Even though you control the main avenues through which information reaches the public; even though you distribute a considerable portion of the tax receipts of the country, and even though political, factional and commercial interests camp under your banner, you may yet fail to force a law that will exactly suit in every respect.

Better, far better, to propose, carry, sign and enforce your own laws. The American people are looking for somebody to take the law-making power off their shoulders.

Take the Food and Drugs Act as an example. The House bill as originally prepared carried a standard making clause. This was amended to provide for a fairly good commission to construct standards. On principle this provision was struck out by the senate, and the bill as carried containing no standards or standard making provision. But the stupidity of Congress is to be remedied. Dr. Wiley will make the standards. The fact that a standard commission was rejected by Congress in the Food and Drugs Act is immaterial. The fact that authority to even suggest standards to the Secretary of Agriculture was specifically forbidden makes not the slightest difference. Medicine that is good for people must be rammed down their throats. Sick people must be bled; witches must be burnt; children must be vaccinated; therefore,



it is announced the Food Law will be administered by Dr. Wiley's favorite standards. The information does not come direct, but through a published interview with a senator who does not wish his name mentioned, and through press correspondents employed to throw out feelers to the public.

Think of the flood of oratory that was wasted, the money that was squandered, even the lives that were lost by our representatives in making laws which might have been saved had we only known that Dr. Wiley would ignore all of our laws and enforce those of his own.

### **"MICHIGAN FOOD COMMISSIONERS IN TROUBLE."**

The Michigan Dairy and Food Commission seems to be having more than its share of trouble. A few months ago Hon. Colon C. Lillie, Deputy Commissioner, and also proprietor of a creamery, was arrested and fined by Federal authorities for violating the United States law relative to the manufacture and sale of butter. And now Food Commissioner A. C. Bird stands liable to arrest and prosecution for violating the Michigan public policy law when secretary of the Michigan Agricultural College. The offense charged is that he signed a contract between himself as secretary of the board, and himself as one of the owners of a tract of land known as Oakwood, a resident suburb of Lansing, just north of the Agricultural College. The contract gave the owners of lots in Oakwood the right to connect with and use the state water mains and sewers and the right to use state water. Attorney General John A. Bird of Michigan (the Bird family seems to be well represented in the Wolverine state) writes an opinion to President Snyder of the Agricultural College, as follows:

"For your information will say, in my opinion, this contract is void for two reasons:

"First—It is such a contract that the Board of Control had no authority to make.

"Second—The Secretary of the College Board at that time was interested in the Oakwood flat, and signed the contract as an official for the first party to the contract and also signed as an individual for the second party to the contract. This was clearly a violation of Section 11384 of the compiled laws of 1897.

"For these reasons you are hereby advised that you should no longer permit the water mains and sewers to be used by persons residing on the Oakwood flat or any other flat.

Respectfully yours,

"JOHN A. BIRD,  
"Attorney General."

Mrs. Kedzie, Professor Tower and many prominent men and women of the college and city, bought lots and houses in Oakwood, and will be greatly inconvenienced on account of the water and sewer connections being cut off.

### **"WE EAT TOO MUCH DIRT."**

In view of the great efforts being put forth to insure us against impure food products, it seems strange that a most obvious and flagrant violation of common sense—cleanliness—should be overlooked. The exhibiting of eatables on the streets with no protection against the dust and dirt in the atmosphere, except the vigorous use of a feather duster, is common.

That such exposure is harmful is an undisputed fact. To stand blinded by a cloud of dust, raised by some crossing sweeper, with a display of eatables close at hand, makes a deplorable condition self-evident.

Manufacturers are now bound to extreme cleanliness by stringent laws and strenuous inspectors. Small amounts of coloring matter and preservatives, whose harm has in some cases been questioned, have caused endless agitation and quibbling in our law-making bodies. And after all these precautions, to have the finished product, in some cases, exposed to so fruitful a source of unhealthful contamination; is inconsistent, to say the least. A housewife using infinite pains with her washing and then hanging the clothes where they drag in the dirt affords a fitting parallel.

The most persistent violaters in our city are the fruit and candy dealers, their ignorance or utter disregard of the possibilities of city dust and wind as propagators of disease is everywhere apparent. Nature, thankfully, has provided protection against such infection by the skins on some fruits, but how many cases do we see where we are not so safeguarded.

That dust and dirt as it blows about our streets is an excellent medium for the spreading of disease, has always been granted. Goods neatly enclosed in glass, aside from hygienic advantages, appear much nicer.

It would also be well to look into the handling of other food stuffs after they leave the manufacturer. We should be protected against the dangers arising from such exposure by suitable laws rigorously enforced.

### **WHAT'S IN A NAME.**

We have sometimes referred to the food standards of the Secretary of Agriculture and of the Standard Committee of the Association of Official Agricultural Chemists, as "Dr. Wiley's Standards." Is such a characterization actually correct? Dr. Wiley is nominally only a member of the committee which compiled the standards, and under ordinary conditions should not share more than one-fifth the censure. However, in this case, conditions are peculiar. Dr. Wiley is the society he represents, the cause of its existence, its one permanent officer, and provides the means (the people's money) for publishing its proceedings and keeping it alive.

The meetings are almost invariably held in Washington and the membership largely confined to employes of the Bureau of Chemistry, over which Dr. Wiley presides. Other chemists also employed by the government, and among whom the government has been in the habit of distributing a little extra work and money, through policy, fear or favoritism would hardly dare or care to act, vote or think contrary to his desires.

Dr. Wiley was the original chairman of the committee, although a few years later he deemed it advisable to resign as chairman in favor of another member of the committee.

It is not strange that under these conditions the food standards are in all essentials the ideas of Dr. Wiley. Were it simply a coincidence that the committee invariably submitted to his judgment he would not so strenuously have objected to the appointment of practical food experts in the make-up of the committee.

Therefore, when we use the term "Dr. Wiley's



Standards" as a short title to the work of the committee, we are stating but the literal truth.

### THE METRIC SYSTEM.

Following the precedent of America, the Metric System has been rejected by Great Britain. The vote in Parliament, however, was close—150 to 118—and plainly indicated that the Metric System has its friends even in the birthplace of the foot, grain and pound.

The advantages of the Metric System are:

1. That it is a decimal system and computations are simplified.
2. That it is based upon a fixed quantity, namely, the circumference of the earth, and if original standards are lost they can be recomputed.
3. The different measures of weight, volume and distance bear a simple relation to each other.
4. It is in use all over the continent of Europe and in all the Latin-speaking countries of the world, thus making it an almost universal standard. If the Metric System had been put in international operation a century ago, people would call the present English system of weights and measures crude, cumbersome and ridiculous. However, the compulsory changing of standard weights and measurements at this time would not only be disadvantageous, it would be a national calamity. The entire system of property records would have to be reconstructed, and all present instruments for taking measurements and weights would become useless.

Some time the change must come, but it should come gradually, imperceptibly, by force of public favor and necessity and not by mandatory legislation. The process of evolution has already commenced and large bodies of our people are using the Metric System in their business. It is not a great step from buying pharmaceuticals by the gram to buying groceries by the kilo.

### INDIANA RULES ISSUED.

The Indiana State Board of Health has issued a pamphlet giving the pure food and dairy laws of the State of Indiana, together with the rules of the State Board of Health, establishing minimum standards and defining specific adulteration of food and drugs.

The old regulations relating to food are published together with the new law which became effective March 4, 1907.

The Standards adopted are in general, those of the Secretary of Agriculture, even to the 82.5 per cent fat standard for butter. The standard for ice cream, however, is radically different from that suggested by the Agricultural Chemists.

The Indiana rules require but 8 per cent butter fat in ice cream and gelatine is allowed to the limit of .7 per cent. Benzoate of soda is allowed in tomato catsup to the extent of not to exceed .1 per cent. All other preservatives are prohibited.

Dr. Hurty is Secretary of the State Board of Health and H. A. Barnard, chemist, who by virtue of the new act becomes State Food and Drug Commissioner.

I'll be hanged if I am going to be scared to death over microbes and bacilli. I'm going to eat and breathe and enjoy life as long as I can and when I am planted—well, here's hoping I wasn't so confounded mean that the grass won't grow on my grave.

## FOOD NOTES

### NEW INDIANA FOOD ADMINISTRATION.

A special meeting of the Indiana State Board was held Friday, March 15, to consider the new legislation of the General Assembly relating to public health and to pure foods and drugs.

The meeting was called to order by President Davis, all members being present.

Moved by Dr. Tucker and seconded by Dr. McCoy that the various departments of the Indiana State Board of Health shall be—

(1) DEPARTMENT OF ADMINISTRATION, of which the secretary of the board shall be the head, and through said department all orders of the board shall issue, and said secretary shall be the chief executive officer of the board and director of all departments, subject to the supervision of the board.

(2) DEPARTMENT OF STATISTICS. The chief clerk of vital statistics shall be the head of the Department of Statistics.

(3) DEPARTMENT OF THE STATE LABORATORY OF HYGIENE, which shall consist of two divisions, namely—

(a) Division of Bacteriological and Pathology, of which the superintendent shall be the head.

(b) Division of Chemistry, of which the chemist of the State Board of Health, who is also State Food and Drug Commissioner, is the head.

The motion, after discussion, was adopted by sections and as a whole.

### APPOINTMENTS:

After consideration of the names and recommendations of all applicants for positions, the following appointments were made:

Second Assistant Chemist, Ivy L. Miller.

Inspector No. 1, Bert Cohn.

Inspector No. 2, Frank Tucker.

Inspector No. 3, John Owens.

Inspector No. 4, A. W. Bruner.

All appointees to serve at the will of the board.

The following inspection districts were created:

Central District, headquarters Indianapolis.

Northern District, headquarters Ft. Wayne.

Western District, headquarters Lafayette.

Southern District, headquarters Paoli.

The pure food and drug law empowers and commands the State Board of Health to make rules for the enforcement of the act and regulating minimum standards for foods and drugs, defining specific adulterations and declaring the proper methods of collecting and examining drugs and articles of food.

In obedience to the law the board considered and adopted the rules as commanded. The said rules were ordered printed in pamphlet form and distributed as soon as received from the public printer.

### AN INTERNATIONAL PURE FOOD EXPOSITION AT CHICAGO.

The International Pure Food Exposition Company will hold its first annual World's Pure Food Show in Chicago at the Coliseum November 19th to 25th.

President Roosevelt has been invited to open the exposition.



The company is incorporated in Illinois. Joseph G. Ryan is president and Thos. T. Hoyne managing director, with offices 1006-1007 Monadnock block.

The exposition will include exhibits of all kinds of foods, confections, wines and liquors and also allied trades.

The design for the Coliseum will be a distinct novelty in food shows. All around the main floor there will be a promenade fifteen feet wide, along which will be situated the smaller booths and concessions. A decoration scheme being carried out to make the promenade a "street of all nations."

It is probable that there will be at least three foreign government exhibits.

The management will make the first allotment of space in May.

The price of space will include for the exhibitor his booth and general decorations.

The names of those who have already accepted invitations to act on the various commissions follow:

#### COMMISSION ON TESTS.

Dr. James N. Egan, Sec. Ill. State Board of Health.

Dr. Harvey W. Wiley, Chief of the Bureau of Chemistry, United States Department of Agriculture.

Dr. Walter Heines, Prof. of Toxicology and Chemistry, Rush Medical College.

Dr. John H. Long, Prof. of Chemistry and Materia Medica, Northwestern University Medical School.

Dr. Julius Stieglitz, Prof. of Chemistry, University of Chicago.

Dr. Ralph W. Webster, Director Chemical Department, Chicago Chemical and Analytical Laboratory.

Dr. Archibald L. Hoyne.

Dr. J. F. Biehn, Bacteriologist and Director of Laboratories, Chicago Health Department.

#### COMMISSION ON AWARDS.

Phelps Hoyt.

Charles E. Davis.

Jos. E. G. Ryan.

George Rew.

#### COMMISSION ON FOREIGN EXHIBITS.

Charles Henrotin, Belgium Consul.

Baron A. A. Schlippenbach, Russian Consul.

Henri Merou, French Consul.

Alexander Finn, British Consul.

#### COMMISSION ON CHILDREN'S FOODS.

Dr. Cornelia de Bey.

Mrs. Frank Alport.

Mrs. George M. Moulton.

Mrs. Daniel Munro.

#### COMMISSION ON DISPLAYS.

Charles F. W. Nichols, Business Manager Chicago American.

H. B. Meyers, Publisher of AMERICAN FOOD JOURNAL.

Sol Westerfield, Secretary National Association Retail Grocers.

Jacob Kesner.

Otto Erickson.

George Brandies.

Edward Hillman.

Joseph Basch.

#### COMMISSION ON HOME EXHIBITS.

John W. Bright.

E. J. Kiple.

Charles Carlson.

George J. L. Jones.

N. G. Conybear.

#### COMMISSION ON SOUTH AND CENTRAL AMERICAN EXHIBITS.

Stuart R. Alexander, Brazilian Consul.

Berthold Singer, Consul for Costa Rica, Spain and Nicaragua.

Frederick W. Harnwell, Consul for Bolivia.

W. M. Fiske, Consul for Peru.

C. Gilbert Wheeler, Consul for Panama.

#### SPECIAL COMMISSION ON HOME AND FOREIGN EXHIBITS.

Patrick E. Hanney.

#### NATIONAL CONVENTION CALLED.

At a meeting of the executive committee of the National Association of State and National Dairy and Food Departments in the Great Northern Hotel, Chicago, April 2, it was decided to hold the annual convention of the organization at Norfolk, Va., July 16, 17, 18 and 19, during the Jamestown Exposition, and to have the Western delegation rendezvous in Chicago and make the trip on a special train from here.

Dr. B. H. Warren has declined to be considered a candidate for Dairy and Food Commissioner of Pennsylvania in the face of positive assurance that he would be reappointed if he desired the place. Dr. Warren has conducted a strenuous although somewhat verbose campaign for pure food in Pennsylvania and retires with honor to himself and the good will of law-abiding people. Inspector James Faust is being boomed for the place.

\* \* \*

State Chemist Redfern of Nebraska has received threatening letters from the George E. Lee Stock Food Company and the Standard Stock Food Company to beware of making any mistake in his analysis under penalty of being proceeded against for damages. The letters have been sent to the state Senate now in session.

\* \* \*

The Pure Food Committee who aided in pressing the Missouri Pure Food bill to a satisfactory conclusion held a banquet March 25th, at the North Saint Louis Turner Hall. The committee was composed of six physicians and five common people.

\* \* \*

Professor Elton Fulmer, Professor of Chemistry at the Washington State College, at Pullman, is looking for a site for the location of government laboratories in the northwest. One laboratory will probably be located in Portland and another in either Tacoma or Seattle.

#### More Than Husband.

"And was your husband kind to you during your illness?"

"Or, yes. He was more like a friend than a husband."

#### WEISEL & CO.

... Manufacturers of...

High Grade SAUSAGES ONLY

609 East Water Street

Milwaukee, Wis.

CHICAGO BRANCH: — 51 to 53 LA SALLE STREET

Tel. connection







Specific Gravity of Sample (apparent) . . . .	45.90	44.54	42.33	39.89	53.53	45.84	42.95	43.70
5. Real per cent of Alcohol from Sp. Grav. and Solids... 46.58	46.66	43.60	40.33	53.83	46.07	43.29	43.94	
Ladd's error plus Alcohol per cent . . . . .	+2.62	+1.74	+3.00	+1.47	+0.70	+1.23	+0.71	+0.95
Proof per cent . . . . .	+5.24	+3.48	+6.00	+2.94	+1.40	+2.46	+1.42	+1.90

**THE UNRELIABLE ANALYTICAL DATA FROM WHICH FOOD COMMISSIONER LADD OF NORTH DAKOTA JUDGES THE CHARACTER OF WHISKY SAMPLES. NORTH DAKOTA AGRICULTURAL EXPERIMENT STATION. ANNUAL REPORT PART II, 1906.**

BY PROF. A. LASCHE.

In the preceding article I call attention to the published results of whisky analyses made by Ladd and Stallings and the fact that these results manifest their incompetence as chemists. My criticism uncovered Ladd's ignorance of the meaning of his analytical data and also the inefficiency of the work done by him or under his direction. The subject of the first article was confined to the alcohol determinations in whisky and I will now demonstrate that other tests which he made and published, gave results which are not trustworthy. On page 63 of the above report four samples of whisky, Ladd's report Nos. 3701 to 3704 incl. and stated to be made by the Empire Distilling Co., are said to contain Methyl alcohol or wood spirits. On page 49 of said report, a photograph (reproduced as figure one) of these four samples appear. Ladd by this means intends to inform the public that it is not an uncommon thing that whisky is sold which contains wood spirits or Methyl alcohol.



Ladd's sensational report is based upon his interpretation of the tests made in his laboratory or upon the report rendered to him by his assistant Stallings.

On numerous occasions the public press has printed stories about the use of wood alcohol as a substitute

for the addition of spirits to whisky but in every instance, bar one, where this matter was traced by competent experts, it was discovered that there was absolutely no truth to these stories. The one exception here named was where a barkeeper by mistake poured some wood alcohol from a jug, which was supposed to contain whisky, into a decanter and did not notice his mistake. The wood alcohol in this place was designed to be used for the cigar lighter.

When this subject of the adulteration or the addition of wood alcohol, to whisky came up before the meeting of the committee on Food Standards Association of Official Agricultural Chemists, Dec. 7, 1906, at Louisville, Ky., Dr. Wiley openly stated that there was absolutely no truth in the reports that Columbian spirits or wood alcohol or Methyl alcohol were put into the beverages and I concur in Dr. Wiley's opinion. I have traced a number of instances where the use of wood alcohol or Columbian spirits in whisky was suspected, but in not a single instance could a trace be determined by the most careful analysis.

Now let us scrutinize the reason that Ladd had for reporting the samples of whisky as containing wood spirits and holding this fact out to the public in the form of a sensational report. Ladd's and Stallings' incompetence has been already shown and I believe that we can strengthen this theory by referring to some of their work which is published elsewhere and we will take for instance the work of R. E. Stallings as a collaborator of the Referee on Distilled Liquors of the Association of Official Agricultural Chemists published in Bulletin No. 99, Bureau of Chemistry, United States Department of Agriculture. Dr. C. A. Crampton, chief chemist of the Internal Revenue Department, Washington, D. C., Associate Referee on Distilled Liqueurs, outlined the work to be formed by the collaborators and one of the tests of the samples submitted was to determine the presence of Methyl alcohol or wood spirits. It is probably due to my suggestion that Dr. Crampton added the Methyl alcohol to one of the samples and suggested trying different methods to determine its presence. There was great doubt in my mind as to the reliability of the methods which were the official methods at that time and advised trying the Riche, Bardy and Carl Winisch method. Ten collaborators took part in this work, one of whom was R. E. Stallings. The results of the determinations for wood spirits or Methyl alcohol in the samples submitted by the referee are remarkable on account of the uniformity of the findings of the different chemists.

Of the ten chemists who took part in this work, nine reported correctly, namely, that samples Nos. 1, 2 and 4 contained no wood alcohol or Methyl alcohol and that sample No. 3 did contain it. *The one who failed in this work was R. E. Stallings who found Methyl alcohol or wood alcohol in three out of the four samples submitted to him.* Now, what reliance can be placed in his published reports of the North Dakota Agricultural Experiment Station in this regard after he has demonstrated beyond a question of a doubt that he is not qualified to make determinations of this kind. Any unprejudiced observer would admit his unfitness for the position which he occupies.

A perusal of Stallings' figures of the determination of Solids, Color Extracted by Ether, Alcohol and Fusel Oil in Bulletin No. 99, Bureau of Chemistry, U. S. Department of Agriculture, when compared with the other 9 collaborators, convinces that his mistakes



in the methyl alcohol determination, etc., are not accidents.

In order to make a Pure Food Law effective—and that is what we want—the chemist and analyst must be competent. To permit reports like Ladd's to stand without contention, would soon cause the public to lose entire faith in chemical investigations. I also wish to call attention to another photograph which appears in the above report on page 65 and which creates a great doubt in many minds as to the sincerity of Ladd's efforts. Here is the statement which appears under this photograph of eighteen bottles of different brands of whisky. "Whisky produced mainly from Neutral Spirits colored and flavored. Falsely labeled. Several of the above brands have since been changed to comply with the law." In other words, many of the brands shown in this photograph comply with the law of North Dakota and are legal and in the face of his own statement he still holds them out to the public as being falsely labeled and as being illegal.

In a future issue I will point out additional errors of which these gentlemen are guilty and in the meantime, it is hoped that no one will be hung on their evidence as chemists!

#### A REPLY TO LASCHE'S CRITICISM.

BY R. E. STALLINGS, OF THE NORTH DAKOTA FOOD DEPARTMENT.

In the February and March numbers of Lasche's Magazine Professor A. Lasche has written vicious and libelous articles which he chooses to call "criticisms" on some whisky analyses done at this station and appearing in Bulletin 69 and in the 17th Annual Report. On the face of these articles they show a spirit of unfairness, prejudice and narrow-mindedness that no true scientist would be guilty of.

In the February number he has attempted to show that the specific gravity of the samples and the alcoholic content were wrong and by taking the specific gravity and the amount of solids found and calculating the alcoholic content. The main reason for our taking the specific gravity of the samples was to get an approximate idea of its alcoholic content and the determination of alcohol is the most correct determination. If one could calculate the alcoholic content from the specific gravity and solids, what would be the use of its determination? That this cannot be done I will show by Lasche's own admission. In the January number of Lasche's Magazine, page 238, you read the following: "What is the usual difference between the apparent and real proof of whisky, and if the amount of total solids contained in the whisky is known, can one calculate what the real proof would be?" In reply he says among other things: "In order to ascertain in most any instance the exact amount of alcohol by volume contained in a liquor it is necessary to make an alcoholic determination by distillation. Even though the original proof and alcoholic content of the spirits may be known, you cannot calculate with any degree of accuracy the percentage of alcohol contained by volume in the finished compound." These are his own words and yet this same individual has attempted to do in his "criticism" that which he says cannot be done. It is a fact that no whisky has ever been condemned in this state on its alcoholic content alone and there never has been any complaint from this source. It is also a fact that nearly all the samples indicated by Professor Lasche were neutral spirits colored, flavored and "doped" and were intended to defraud those

who desired a pure product. Does Professor Lasche stand as sponsor for such goods? Further on in this article I will show that Professor Lasche is a little rough in analytical lines himself, and even in specific gravity.

Lasche mentions some work done in Bulletin 99, Bureau of Chemistry, Department of Agriculture, by Stallings. I am quite willing to be judged by the work that appears in that bulletin. If he had intended to be fair he would have published the whole report instead of trying in an underhanded way to discredit our work.

Dr. Crampton, associate referee on distilled liquors, sent out the following letter (see Bulletin No. 99, Bureau of Chemistry, U. S. Dept. of Agriculture, p. 46):

"Dear Sir—I have sent to your address to-day by express, through the Department of Agriculture, a box containing four quart samples of distilled liquors. The character of these samples is set forth in my letter dated April 20 and are sent in accordance with your letter dated April —, expressing your willingness to co-operate. You will please determine the percentage of alcohol, total solids and fusel oil in each sample, and make such tests as will enable you to distinguish between the genuine and fictitious liquors and to detect the presence of methyl alcohol in one of the samples. . . . Procedures are also enclosed for Riche and Bardy's and Trillat's tests for detection of methyl alcohol, etc."

(Signed) C. A. CRAMPTON.

The Riche and Bardy test was tried in this laboratory and Nos. 2, 3 and 4 gave the violet color, while No. 1 remained colorless. Not only that, but pieces of merino (free from sulphur) were dyed, No. 4 giving a trace, No. 3 deep color, and No. 2 gave considerable color. Three other chemists saw the same reactions and the pieces of merino are still on file in this laboratory, where A. Lasche or any one else may see them if they so desire.

On the face of Dr. Crampton's letter I knew that methyl alcohol was only added to one sample, which was easily detected in No. 3, and it was not even necessary to make a chemical analysis to determine that, as it could be distinguished by smell and taste. As I understand it, these methods are outlined for the purpose of testing methods. We knew very well that no methyl alcohol had been added to Nos. 2 and 4, and our conclusions as to the character of the samples in the above mentioned report bear us out. We have not since used this method and our results in Bulletin 69 are based on other and more accurate methods. That samples 3701-3704, inclusive, contained methyl alcohol there can be no question.

Lasche did not inform the public that he was one of the ten collaborators in the work reported in Bulletin No. 99 of the Bureau of Chemistry. He knew possibly that no one would take the trouble to look up this bulletin and it is in practically few hands. He thought, of course, that such a high and mighty dignitary as himself was beyond the possibility of making an error and that his work is a model of perfection and accuracy. If his work is a fair sample of accuracy, no wonder "the public will lose entire faith in chemical investigation." I am only showing Lasche's mistakes to convince every fair and unprejudiced observer that a person who poses as expert and critic and at the same time makes such gross errors is unqualified to criticize any other person's determinations and that he



is unable to give accurate information regarding the character of samples submitted to him.

In Dr. Crampton's letter mentioned above he desired to find out the characters of the liquors. Every collaborator reported correct results with the exception of one and the one who failed in this work was A. Lasche. The comments of the referee were as follows (see Bulletin 99, p. 59): "The results obtained in the co-operative work on distilled liquors this year are even more satisfactory than last, in respect to the determination of the character of the samples. Notwithstanding the fact that the problem was purposely made more difficult in the samples chosen (Nos. 2 and 3 contain a large proportion of genuine whisky), the analysts were able (with the exception of one analyst, who did not think his results justified positive conclusions) to arrive at correct conclusions concerning them." This one exception was Lasche.

Another comment by the associate referee was as follows: "The work this year has demonstrated that fusel oil cannot be determined by the Roese method in the presence of methyl alcohol. A few analysts report small quantities in sample No. 3, but most report negatively." It is a fact that Lasche was one of the few mentioned and he found .107 per cent, about twice that found by any of the other "few." Lasche, why did you not tell the public how Stallings, with seven others, reported negatively and how you made such a mistake? Professor Lasche claims to be an expert, especially when it comes to fusel oil. In Lasche's Magazine, page 175, you read the following: "Nearly all our straight whiskies contain over .2 per cent fusel oil and the majority contain over .3 per cent higher alcohol." Yet in Bulletin 99, Bureau of Chemistry, U. S. Department of Agriculture, he reports .136 per cent fusel oil in a straight American whisky aged in wood for four years, showing an error of over 100 per cent, when he says the limit of his error for such a proofage is about .033 per cent. I suppose this is what the gentleman terms accidents.

That Professor Lasche is not searching for the truth and that he bases many of his statements on exaggerations and jumps at conclusions without taking the time or trouble to inform himself of the truth is shown by the following (see Lasche's Magazine for September, 1906, p. 111). In an article on fusel oil he says in regard to our methods of determining fusel oil: "The analyses of whisky of E. F. Ladd (see Bulletin 69 of the North Dakota Agricultural College) and of J. H. Shepard (Constants of Whisky—Report of Chemist of South Dakota Dairy and Food Commission, 1906) are consequently not correct." He referred to the fact that we had been using the Allen-Marquardt method and claiming that our results were low, when the fact is that he did not know what method we were using. The fact of the case is that we were not using the Allen-Marquardt or any similar method, and in reply to a letter from Professor Ladd in which the latter asked for an explanation of such unjust criticism, Lasche wrote as follows: "Prof. Shepard wrote to me that he did apply the Allen-Marquardt method in making the analyses of the whiskies which he published in his Constants of Whisky, and I also received information from reliable sources that the Allen-Marquardt method had been used in your institution. To what extent, of course, I did not try to ascertain." A scientist and critic not trying to ascertain the truth. Quite inconceivable! Can state-

ments and findings made by this so-called chemist be relied upon when by his own admission he does not try to ascertain the truth before making statements?

That Lasche makes other mistakes besides those cited, I will show by referring to another series of results that have just been published in Circular No. 33, Bureau of Chemistry, U. S. Dept. of Agriculture. This circular contains a report by the referee on beers, and on page 3 the referee's letter is as follows:

"Dear Sir—In response to your offer to do co-operative work on beer analysis, I am enclosing directions for the examination of samples of beer which are being shipped you by express. . . . The samples are numbered 1 and 2. One of the samples is preserved with sodium sulphite, and the other with sodium fluorid. . . ."

(Signed) H. E. BARNARD.

Lasche was one of the ten collaborators. "The results for the determination of fluorid in the sample submitted by the referee are remarkable on account of the uniformity of the findings of the different chemists." Lasche was the only one who failed to report correctly, he finding fluorids in sample No. 2, which it seems from the referee's report did not contain it, all others reporting it in sample No. 1. (See same circular, pages 7-9, inclusive.) Can Lasche explain why he failed so miserably in such a simple determination?

In sample No. 2 he reports a specific gravity at 20 degrees C. of 1.427, while every other chemist found 1.01+, making such a gross error that apparently the referee discarded it in the average and shows only a variation by the other chemists of .001. In some other determinations he seems to have made several errors. No doubt he terms these more accidents.

Lasche's School for Distillers advertises for "Analyses of All Liquors to Determine Whether They Will Answer to the Requirements of Food and Drug Laws." If Professor Lasche is the analyst and if this is a sample of his work, it seems that those who enforce the food laws will always be at variance with him regarding the character of liquors.

That Lasche is incompetent of judging the character of a liquor is admitted by himself in Bulletin No. 99 and now another bulletin shows him making errors even in specific gravity and reporting a preservative in a sample to which none had been added. I am satisfied that no injustice has ever been done a single manufacturer of whisky by Professor Ladd. The work was carefully done and in every case of doubt we have invariably passed the same, giving the producer the benefit of the doubt. In fact it may be safely said that several of the samples marked as passed might well have been condemned had it not been the policy of the department to be over fair to all interests.

I reaffirm the findings shown in Bulletin 69 and am quite willing to be judged by the work found in Bulletin 99 of the U. S. Department of Agriculture by any fair and competent person who may care to look up the facts.

#### **AS BOTTLED IN BOND WHISKY INTERESTS VIEW THE DECISION.**

The country has renewed reason to thank "whatever powers there be" for Theodore Roosevelt and his loyal lieutenants, most especially for Harvey Washington Wiley.—*Barrels and Bottles.*



# DECISION OF PRESIDENT ROOSEVELT AND ATTORNEY-GENERAL BONAPARTE

## In the Blended and Straight Whiskey Controversy.

The White House, Washington, April 10, 1907.

My Dear Mr. Secretary: In accordance with your suggestion, I have submitted the matter concerning the proper labeling of whisky under the pure food law to the Department Justice. I inclose the Attorney-General's opinion. I agree with this opinion and direct that action be taken in accordance with it.

Straight whisky will be labeled as such.

A mixture of two or more straight whiskies will be labeled blended whisky or whiskies.

A mixture of straight whisky and ethyl alcohol, provided that there is a sufficient amount of straight whisky to make it genuinely a "mixture," will be labeled compound of or compounded with pure grain distillate.

Imitation whisky will be labeled as such.

Sincerely yours,

THEODORE ROOSEVELT.

Hon. James Wilson, Secretary of Agriculture.

April 10, 1907.

### OPINION OF THE ATTORNEY-GENERAL.

The President.

Sir: In accordance with your instructions, I have examined the papers referred to me by you, at the suggestion of the Secretary of Agriculture, and herewith submit you my opinion on certain questions which appear from the said papers to have arisen in connection with the labeling or branding of different kinds of spirit, claimed by their manufacturers or proprietors to be entitled to the name of "Whisky," with or without qualifying words. In addition to the papers referred to me by you, I have received and considered a number of other papers submitted to me by various individuals, including Messrs. Hemphill and Worthington and Mr. W. M. Hough, as counsel for certain distillers and rectifiers interested in the questions under consideration, and I have personally gathered some further information which seemed to me material in view of the character of the questions involved.

These questions have arisen in the construction of section 8 of the act approved June 30, 1906, entitled:

"An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines and liquors, and for regulating traffic therein, and for other purposes," and generally known as "The pure food law." The portion of that law bearing upon the points in dispute is section 8, which, so far as material, is as follows:

Sec. 8. That the term "misbranded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein, which shall be false or misleading in any particular. . . . That for the purposes of this act an article shall also be deemed to be misbranded; . . . In the case of food: First. If it be an imitation of or offered for sale under the distinctive name of another article. . . . Fourth. If the package containing it or its

label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter, known as articles of food, under their own distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled, branded, or tagged, so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, That the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further*, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

Before stating or discussing the particular questions as to which you desire my opinion, I think it will conduce to clearness to call attention to the general purpose of this act and to some considerations founded thereon.

The primary purpose of the pure food law is to protect against fraud consumers of food or drugs; as an incidental or secondary purpose, it seeks to prevent, or, at least, discourage the use of deleterious substances for either purpose; but its first aim is to insure, so far as possible, that the purchaser of an article of food or of a drug shall obtain nothing different from what he wishes and intends to buy. According to the recognized canons of statutory construction, the language of its provisions must be interpreted with reference to and in harmony with this primary general purpose; so that, in determining the proper nomenclature for articles of food as defined in the act, the intention of the law will be best observed by giving to such articles names readily understood and conveying definite and familiar ideas to the general public, although such names may be inaccurate in the view of a chemist or physicist or an expert in some particular industrial art, as in the distillation and refining of spirits. Moreover, the same name may be given by dealers or by the general public to two or more substances varying very materially in their scientific characteristics, and this fact must be given due weight in passing upon questions of branding or labeling under the law.

Human experience has associated certain impres-



sions on the senses of taste and smell with the consumption of certain articles of food, and the so-called "flavor" which expresses the resultant of these impressions constitutes a factor of decisive weight in determining the similarity or identity of substances of this character to the mind of the ordinary member of the community, quite irrespective of the relative importance of these chemical or physical properties in the substances which impart this flavor as compared to their other chemical or physical properties. This fact is aptly illustrated by a question considered at much length in the papers referred and also submitted to me as above, namely: "What is Whisky?" A chemist or a distiller might answer this question altogether differently from the ordinary purchaser of whisky for his own consumption; but the purchaser's view of the matter is material to attain the primary purpose of the pure food law; and I think it may be safely said that what he means by "whisky" when buying it is a distilled spirit, fit for use as a beverage and having the particular flavor which human experience has classified as that of "Whisky." Undoubtedly the flavors of different kinds of spirits all known as "Whisky" differ considerably, and it may be that the general impression of their similarity is due, in some measure, to imagination or imperfect memory; nevertheless, a distinct and definite idea is suggested to the mind by the words "whisky flavor;" this idea is an essential factor in ascertaining the identity of a spirit claimed to be whisky, and, in my opinion, it is the decisive factor in determining the relative weight of the claims of two or more kinds of spirit to the name.

With this preliminary explanation, I proceed to state what I understand to be the questions as to which my opinion is desired. In substance, these are:

First. Under what circumstances should a distilled spirit be labeled or branded "Whisky" without any qualifying words?

Second. Under what circumstances should a liquid be marked a "Blend of whiskies," or "Blended whisky," or "Blended whiskies?"

Third. Under what circumstances should a liquid be marked as a "Compound of whisky," or "Compounded whisky," and what word or words, if any, must be added to such title to make the same appropriate under the law?

Fourth. Under what circumstances, if at all, could a distilled spirit, with additions of coloring and flavoring substances, be termed "Imitation whisky?"

Before dealing directly with these questions, I think it may be well to indicate the application of this law to a class of liquids affording a field for its interpretation with less opportunity for dispute—I refer to wines. It will not be questioned that to be branded or labeled "Sherry," "Port" or "Madeira," a wine must have inherently, and not because any other substance is added to it, the flavor known as that of sherry, port or madeira, as the case may be. There are different kinds of each of these wines; experts can recognize different brands or vintages by their respective flavors, and these flavors vary considerably; nevertheless, there can be no doubt that the sherry, the port and the madeira flavors are distinct from each other, and that each of them has some quality of its own shared by all varieties of the same species of wine.

There is, however, an evident distinction to be drawn between a wine such as sherry, port or madeira, and a wine such as champagne. In the view of a chemist or physicist, champagne would be doubtless

described as "a compound," for it consists essentially of a wine, of sugar and of an aerating gas, three substances obviously "unlike." The law, however, in my opinion, does not contemplate that an article should be marked as a "blend," "compound," or "imitation" unless its designation would be otherwise "false or misleading" to the consumer; and the name "Champagne" would indicate to any would-be purchaser, who was ordinarily intelligent and well-informed, a wine artificially sweetened and aerated, or, in other words, a composite substance.

To determine the proper use of the term "Blend" we must first note that the definition of the word in the law is novel and arbitrary. It is thus defined by Webster:

"Blend, a. A thorough mixture of one thing with another, as colors, liquors, etc.; a shading or merging of one color, tint, etc., into another, so that it cannot be known where one ends or the other begins."

There is nothing in this definition about "likeness" in the substances mingled; this feature is introduced for some special purpose in the law, and the latter must be interpreted so as to give effect to this purpose. To show this more clearly we may also note the same dictionary's definition of "Compound." This is:

"Compound, n. That which is compounded or formed by the union or mixture of elements, ingredients, or parts; a combination of simples."

"Compound" and "Blend" are substantially synonymous when applied to mixtures of liquids in ordinary speech, but the Pure Food Law establishes a distinction of its own between them based upon the character of the ingredients entering into the mixture. In discussing therefore what degree of "likeness" between the mingled substances will justify their designation as a "Blend" it must be always and carefully remembered (1) that "Blend" is meant to be something essentially different from "Compound," and (2) that the subject under consideration is a name for an article of food to be embodied in a label or brand in harmony with the primary purpose of the law as above explained. Without going into metaphysical distinctions, or needless explanations, it is my opinion that effect will be most surely given to the evident intent of this provision of the law if it be held that "Blend," as a substantive, or "Blended," as an adjective, can be properly and legally used in brands or labels under the act of 1906 only when a *single substantive*, either in the singular or in the plural, need follow to appropriately and adequately designate the combination: thus we can speak of a "Blend of Teas" or a "Blended Tea," but not of a "*Blend of Tea and Coffee*." To state the same proposition in different language, I think the two articles mixed must be capable of accurate and sufficient description by a single generic term; they must be substances known by the same name, and that name must be sufficiently distinctive to afford reasonable warning to the purchaser.

If, therefore, the question be what ought to be called "Blend of sherry," or "Blended sherry," or "Blended sherries," I think that such terms could be applied with propriety only to a mixture of two or more sherries, and not to a mixture of sherry with port or with madeira. This is not because "likeness" does not exist between the three kinds of wine mentioned, nor because great similarity may not be found in their chemical composition; it is quite possible that, in the



latter respect, some kinds of sherry would be found to have a greater resemblance to some kinds of port than to other kinds of sherry; just as the chemical composition of a diamond might have much greater similarity to that of coal than to that of some other gems; but the term "Blended sherry" could not be appropriate to a mixture of sherry and port; it would mislead an intending purchaser as to the fact that port entered into the combination; the latter might be named with equal propriety "Blended port." On the other hand, if this mixture should be termed a "Blend of port and sherry," there is no distinction in generic designation between a mixture of these two distinct wines and a mixture of two sherries or of two ports, and I think the law clearly intended there should be such a distinction. It might be, perhaps, consistent with the law to call such a mixture "Blended wines," but this title would be insufficiently specific; it might designate a mixture of burgundy and claret as well as one of port and sherry.

In my opinion, it is the intent of the act of 1906 that the term "Blended sherry," or "Blend of sherry," or "Blend of sherries" shall designate a mixture of two or more kinds of sherry; while the titles "Compound of port and sherry" or "Compounded port and sherry" would appropriately designate a mixture of two *unlike* substances in the view of the law, namely, two distinct and different kinds of wine; "unlike" just as diamonds and coal are "unlike" substances.

It may be that by diluting neutral spirit (ethyl alcohol) with enough distilled water to reduce it to the normal alcoholic strength of sherry wine, and by adding appropriate flavoring and coloring substances, a mixture can be produced which tastes and smells and looks like sherry, and when consumed produces substantially the same effects; this mixture, supposing it to contain no article deleterious to health, would be appropriately labeled or branded, under the law, "Imitation sherry." If it were mixed with real sherry, no one would for a moment claim that the two substances thus combined were sufficiently "like" to warrant the description of the resultant as a "Blend"; it could only be accurately labeled, under the law, as a "Compound of genuine and imitation sherries," a designation which would not probably promote its sale.

Applying the same principles to the choice of brands or labels for distilled spirits, and especially for whiskies, we are at once confronted by the question whether whisky corresponds to a wine like sherry or to a wine like champagne; that is to say, whether it is a natural or artificial spirit; meaning by the first term, of course, not that it exists anywhere as a product of nature, but that it is the resultant of the process of distillation alone, without needing any further addition to furnish its characteristic qualities. In the first case, it would be assimilated to brandy or rum; in the second contingency, to gin, since gin is essentially a distilled spirit, frequently as nearly neutral as may readily be, flavored by an infusion of juniper berries. I learn from the papers referred to me that the Department of Agriculture has reached the conclusion that whisky, like brandy and rum and unlike gin, is a natural spirit, its peculiar taste and aroma being imparted to it in the course of distillation and arising primarily from essential oils existing in the substances from which it may be distilled; that is to say, it corresponds to a wine like sherry, and not to a wine like champagne. This conclusion seems to be fully warranted by information contained in the papers before me and by

such other information as I have been able to obtain; nevertheless, as hereinafter set forth, the statement may, perhaps, need some qualification, or, rather, some explanation. It is doubtful, however, whether the definition of "Whisky" contained in the papers aforesaid, and which I understand have received the approval of the Department of Agriculture, is quite broad enough to meet the general intent of the law of 1906. This definition I understand to be as follows:

"Whisky is a distillate, at the required alcoholic strength, from the fermented mash of malted cereals, or from malt with unmalted cereals, and contains the congeneric substances formed with ethyl alcohol which are volatile at the ordinary temperature of distillation, and which give the character to the distillate."

In Webster's Dictionary "Whisky" is defined as:

"An intoxicating liquor distilled from grain, *potatoes, etc.*, especially in Scotland, Ireland, and the United States. In the United States, whisky is generally distilled from maize, rye, or wheat, but in Scotland and Ireland is often made from malted barley."

In Worcester's Dictionary it is defined as:

"A kind of spirit distilled from barley, wheat, rye, maize, *potatoes, etc.*"

In Chamber's Encyclopedia of 1875 it is defined as follows:

"A spirit made by distillation from grain of any sort and from other articles, as buckwheat, *potatoes and even turnips.*"

A large number of similar definitions from standard popular works of reference might be given, and I think there can be no doubt that a spirit generally known and described as "Whisky" is often distilled from potatoes and occasionally from some other substances which could scarcely be correctly classed as cereals. I note this fact because it appears to me contrary to the spirit and subversive of the purpose of the pure food law to adopt a definition which would exclude from the name any substance generally understood by the public to be entitled to it; that is to say, the nomenclature adopted to give effect to the Act ought to be, in my opinion, popular and not scientific. This matter, however, is of only subordinate importance in connection with the questions immediately under discussion.

It being admitted that whisky is a natural spirit having certain "congeneric substances," which, in the language of the above definition "give the character to the distillate," it seems obvious that a mixture of two or more different whiskies as thus defined, whether their differences arise from the character of the substances from which they were distilled or from the method of distillation used in each case respectively, or even from their several ages and the environment in which they were kept subsequently to distillation, would be appropriately termed a "Blend of whiskies," or "Blended whisky," or "Blended whiskies"; any one of these three terms would be appropriate, provided that each article entering into the combination, standing alone, would be appropriately designated as "Whisky."

The mixture of a spirit properly designated as "Whisky" with another spirit which, standing alone, would not be properly designated as "Whisky," such as ethyl alcohol, must, in my opinion, be labeled or branded as a "Compound," or as "Compounded." This question has given rise to a very animated dispute, and it is understood that great importance is attached by dealers to its determination, which is thought to in-



volve serious pecuniary loss or gain to some or others among them; I have, therefore, considered it very carefully. In Chambers' Encyclopædia, above quoted, Volume III, article "Distillation," occurs the following passage:

"If only alcohol and water passed over in distillation, *all spirits, from whatever extracted, would be the same*; but this is not the case. Brandy, which is distilled from wine, has a peculiar essential oil derived from the grape and also some acid; rum is impregnated with an essential oil from the sugar cane, and with other impurities; malt liquor has the essential oil of barley, etc. It is these essential oils that give to the various spirits their distinguishing flavors. Some of the oils and other impurities are disagreeable and positive noxious, and it is one of the objects of *rectifying* to remove these. The mellowing effects of age upon spirits is owing to the evaporation, or spontaneous decomposition of the essential oils. Newly distilled spirits are, in general, fiery and specially unwholesome."

This statement from a popular work seems to be fully sustained by works of greater scientific authority and shows, in my opinion, that, for the purposes of the pure food law, neutral spirit or ethyl alcohol, if absolutely pure, would be, not only *like*, but actually *identical*, whether it were derived from fruit, from cereals, from sugar cane, or from any other of the many substances which can furnish alcohol. Inasmuch as a state of *absolute* purity cannot be attained by any treatment appropriate for commercial purposes, it may be, perhaps, more nearly accurate to say that each of these different kinds of neutral spirit is a *like* substance to one of any other kind; but, if we concede that ethyl alcohol is a "like substance" to whisky, then we must also concede that brandy and rum are "like substances" to whisky also, because each of them, on precisely the same grounds, can be likened to neutral spirit. It is undoubtedly true that only a very small proportion (less than the half of 1 *per centum*) of the ingredients entering into whisky are different from those entering into neutral spirit; but this is equally true of brandy and rum, and it is precisely those substances which "give the character to the distillate" in each of these cases.

In the nature of things there can have been, as yet, no judicial decisions as to the meaning of the terms used in the pure food law, but section 3287 of the United States Revised Statutes, as amended in 1879, 1880, 1899, has been cited to me to show the "likeness" of whisky, and neutral spirit as matter of law; I find, however, nothing in that section at all relevant to the present discussion. It requires the cask to indicate "the particular name of such distilled spirits as known to the trade, that is to say, *high wines, alcohol or spirits*, as the case may be." It is undoubtedly true that in distillation under the improved methods of modern times a neutral spirit may be produced at a later stage of the process out of something which at an earlier stage of the process was crude whisky or so-called "high wines;" but this no more shows neutral spirit to be a "like substance" to whisky than vinegar is a "like substance" to cider or to wine, or that beef is a "like substance" to veal.

My attention has been likewise called to the case of *Taylor Company vs. Taylor* in the Court of Appeals of Kentucky (85 S. W. R., 1085), as establishing the propriety of designating a mixture of whisky and ethyl alcohol as "a blend" or "blended." In this case it was

determined that the selling of whisky mixed with neutral spirit under a label which might lead the uninitiated to suppose that it was a "straight whisky" was a fraud upon the public as well as upon the manufacturer of the "straight" article. In its opinion the court says:

"The defendant may properly sell his brand of 'Old Kentucky Taylor,' provided he so frames his advertisements as to show that it is a blended whisky; but he cannot be allowed to impose upon the public a cheaper article and thus deprive appellant of the fruits of his energy and expenditures by selling his blended whisky under labels or advertisements, which conceal the true character of the article, for this would destroy the value of the appellant's trade."

This decision was rendered on March 17, 1905, more than a year before the approval of the pure food law; in speaking of a mixture of whisky and neutral spirit as "blended whisky," the court had not, of course, in mind the definition of "Blend" in that law, which, as above noted, is altogether novel and arbitrary; on the other hand, the decision may have been considered by the Congress when it framed the pure food law; and the special and original definition of "Blend" given in that law, may have been intended for the very purpose of making more difficult such frauds as the Court of Appeals of Kentucky condemned in this case.

I conclude, therefore, that according to the true intent of the pure food law, a mixture of whisky with neutral spirit must be deemed a "compound" and not a "Blend," although the spirit may be a distillate from the same substance used to furnish the whisky, and that such a mixture stands on the same footing as a mixture of whisky and brandy or of whisky and rum.

The definition of "Whisky" as a natural spirit involves as its corollary that there *can* be such a thing as "Imitation whisky." If the same process were followed of which we spoke in connection with artificial wine, namely, if ethyl alcohol, either pure or mixed with distilled water, were given, by the addition of harmless coloring and flavoring substances, the appearance and flavor of whisky, it is impossible to find any other name for the product, in conformity with the pure food law, than "Imitation whisky."

An interesting question remains, the question, in my opinion, of greatest difficulty connected with the subject, namely, whether a mixture of a liquid such as has just been described, or, indeed, a mixture of ethyl alcohol itself with whisky ought to be labeled "Whisky" at all. When the words "Compound" or "Compounded" are used in the act, it is, in my judgment, *ordinarily* necessary, that *two* substances, at least, should be mentioned as entering into the combination described; in other words, it would not be accurate to call a mixture of port and sherry "Compounded sherry," or "Compounded port," such a mixture must be designated as "Sherry compounded with port," or "Port compounded with sherry," or "Compound of port and sherry." As above stated, this would be, to say the least, no less true if an imitation sherry were used to mix with a genuine sherry, and, at first sight, it would seem that the same reasoning would deny the name "Whisky" to a compound of "straight" whisky and ethyl alcohol whether with or without coloring and flavoring substances. There is, however, a distinction between the two cases, and it is not *universally* true that *two* substantives *must* follow "Compound" or "Compounded," although it is true, in my opinion,



that only one substantive can appropriately follow "Blend" or "Blended."

In the first place, we may note that the "Imitation sherry" described above would not be a wine at all, while ethyl alcohol is clearly a spirit; this distinction, however, is not essential. But, so far as I know, no practice exists in the wine trade of mixing port with sherry or genuine with artificial sherry and calling the mixture by the name of either one of its ingredients. On the other hand, there is and has been for a long time in existence a well-known practice of mixing ethyl alcohol with whisky to give the latter an artificial age and thus produce the so-called "mellowness" of old whisky, which is caused by the gradual and partial evaporation of the essential oils contained in new whisky; and it seems to be a long and well established custom in the trade to call the mixture of whisky and alcohol thus produced "Blended whisky." For the reasons above set forth, I think the law has forbidden the use of the adjective, but it is otherwise with the noun.

In the Encyclopædia Britannica of 1878, Vol. VII, under the head "Distillation," there is the following statement:

"Flat bottomed and fire heated stills are considered the best for the distillation of malt spirit, as by them the flavor is preserved. Coffey's still, on the other hand, is the best for the distillation of grain spirit, as by it a spirit is obtained almost entirely destitute of flavor and of a strength varying from 55 low temperature that scarcely any of the volatile oils on which the peculiar flavor of spirits depends are evaporated with it, hence the reason why it is not adapted for the distillation of malt whisky, which requires a certain amount of these oils to give it its requisite flavor. The spirit produced by Coffey's still is, therefore, chiefly used for making gin and fictitious brands by the rectifiers, *or for being mixed with malt whiskies by the wholesale dealers.*"

The practice therein described has become during the past twenty-eight years much more general than it then was, in the United States as well as in Great Britain, and improvements in the art of distillation have rendered it much easier and more profitable.

As above explained, I consider "Champagne" a suitable label or brand for the composite wine known by that name. If a natural wine existed which was sweet and sparkling and also generally known as "Champagne," a mixture of the two might be, I think, appropriately called "Compound" or "Compounded champagne," and, in accordance with this analogy, I conclude that a combination of whisky and ethyl alcohol, supposing, of course, that there is enough whisky in it to make it a *real* compound and not the mere semblance of one, may be fairly called "Whisky;" provided the name is accompanied by the word "Compound" or "Compounded," and providing a statement of the presence of another spirit is included in substance in the title. I am strengthened in this conclusion by understanding from the paper that you have referred to me that it has been reached by the Department of Agriculture as well.

The following seem to me appropriate specimen labels for (1) "straight" whisky, (2) a mixture of two or more "straight" whiskies, (3) a mixture of "straight" whisky and ethyl alcohol, and (4) ethyl alcohol flavored and colored so as to taste, smell, and look like whisky:

(1) Semper Idem Whisky: A Pure, straight whisky mellowed by age.

(2) E Pluribus Unum Whisky: A blend of pure,

straight whiskies with all the merits of each.

(3) Modern Improved Whisky: A compound of pure grain distillates, mellow and free from harmful impurities.

(4) Something Better than Whisky: An imitation under the pure food law, free from fusel oil and other impurities.

In the third specimen it is assumed that *both* the whisky and the alcohol are distilled from grain.

I remain, sir, yours very respectfully and truly,

CHARLES J. BONAPARTE,  
Attorney General.

#### FOOD STANDARDS WILL BE ENFORCED.

WASHINGTON, March 28 (Special).—"Food standards will be enforced by the Department of Agriculture, and they will continue to be made by the department as occasion appears to demand," says a United States senator of great influence, who is in the city to-day and who was of commanding importance in the contest over the Agricultural Appropriation bill last winter.

"I am in position to say," he continued, "that the best legal counsel that has been consulted by the Department authorities expresses the opinion that under the Pure Food law itself there is abundant power to create new standards as the need for them arises. They can be enforced like any other standards created before the act was passed, or since then under the clause in the Agricultural Appropriation bill authorizing the Department to secure the co-operation of the committee of agricultural chemists, which was instrumental in establishing the standards already in existence. It is no use for the opponents of the present law to try to keep up their fight through the standards."

The same senator stated that the general feeling in the senate is in favor of giving power to create the standards, now that the food law is actually in operation, and that, if necessary, the power can be secured by special statute.

This announcement is of the greatest importance, as it indicates a probability that the administration will fight to the end for the thorough enforcement of the food laws. That is known to be the desire of the President, and it is believed that he has lately been putting some ginger into food inspection operations. Dr. Wiley has recently had one or more interviews with him and the outlook is now apparently more favorable for strenuous food law activity than it has been for some time.

It is believed that those officials who have been carrying on the "gum shoe" campaign against the rigid enforcement of the law will find themselves in a very embarrassing position if they go on with their tactics, and on that account it is not improbable that they will discontinue any open prosecution of them. The new standards will be issued to inspectors of foods as special instructions, and they will be expected to guide themselves thereby.

This is perhaps the most significant decision arrived at since the adjournment of Congress with reference to food matters.—*New York Journal of Commerce.*

**We are the Largest** Manufacturers of Prepared  
**MUSTARD AND CATSUP**

**HUSS-EDLER PRESERVE COMPANY,**

Write for Samples and Prices. 75-79 W. Kinzie St., Chicago



# Corn Products Manufacturing Co.

The Rookery, Chicago

**Corn Syrups,  
Glucose,  
Grape Sugar,  
Corn Starch,  
Confectioners' T. B. Starch**

'Karo Corn Syrup is a Pure Food Product. Its Ingredients, Corn Syrup 85% and Refiners Syrup 15% are of the Highest Quality and prepared according to U.S. Standards.'

ALL PRODUCTS GUARANTEED UNDER THE  
FOOD AND DRUGS ACT, JUNE 30, 1906.



The discriminating housewives of America know that the log cabin can contains syrup of superior quality.

The can is distinctive, and so is the syrup. Log Cabin Syrup has a uniform, delicious and wholesome flavor that delights all who use it.

*Your Grocer Sells It.*

**THE TOWLE MAPLE SYRUP COMPANY**  
ST. PAUL, MINNESOTA

## Bausch & Lomb

*Laboratory Apparatus and  
Supplies for*

**State Dairy<sup>AND</sup> Food Departments**

In addition to the regular line of our own manufacture, we import on order scientific apparatus of all kinds. We would especially recommend our new model

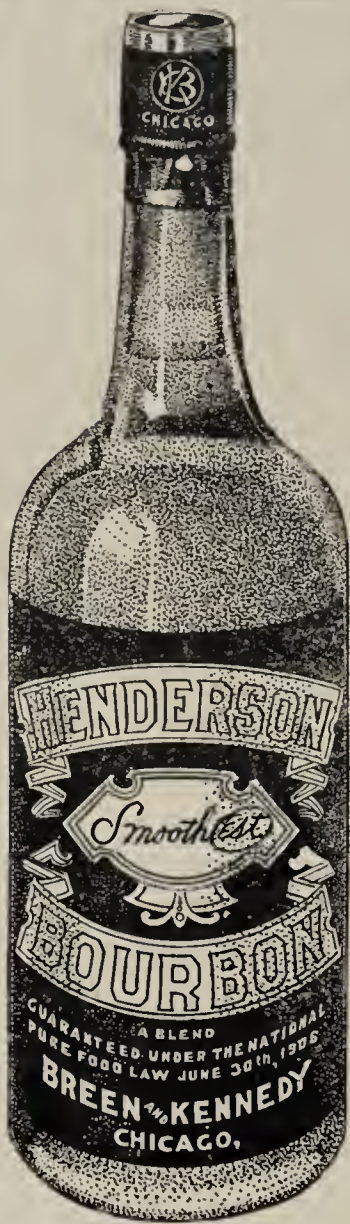
### **B H Microscope**

for food examination. Those interested are requested to send for catalogs and correspond with us.

**Bausch & Lomb Optical Co.**  
ROCHESTER, N. Y.

New York, Boston, Washington, Chicago, San Francisco





# Henderson Bourbon

and

# Maryland Reserve Rye

Analysis Proves them to be

## PURE FOOD WHISKIES

Up to Standard and True to Label

For Sale by

**BREEN & KENNEDY**

187-189 Washington Street  
CHICAGO



## Troubled With Constipation

Constipation, the root of all evils that flesh is heir to. Constipation, that sends thousands to premature graves. You can get well in spite of drugs by eating daily one full meal of

## DR. PRICE'S WHEAT FLAKE CELERY FOOD

The ideal food, prepared from the whole grain of the wheat, with celery.

**Palatable—Nutritious—Easy of Digestion and Ready to Eat**

Can be served hot. Put in a hot oven for a few minutes; or cook in boiling milk

**10c a package**  
All Grocers

*My Signature*  
on every  
package

*Dr. W. E. Price*

76



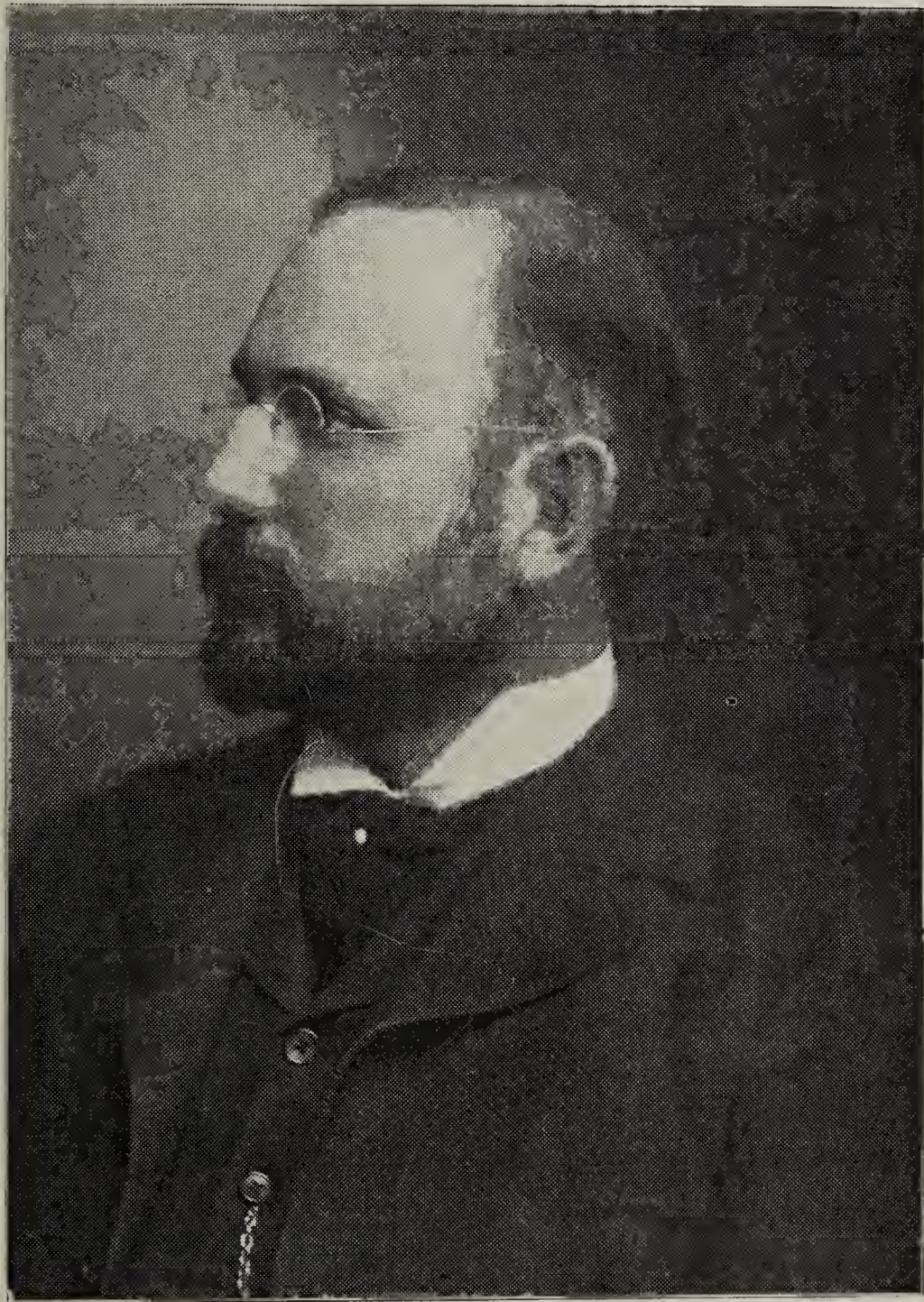
# THE AMERICAN FOOD JOURNAL



Vol. II No. 5

CHICAGO, MAY 15, 1907

10c. Per Copy  
Monthly \$1.00 Per Year



**DR. W. A. EVANS**

New Commissioner of Health, Chicago





**HIGHLAND**  
AND  
**OUR PET**  
BRAND



**Evaporated Milk**  
UNSWEETENED

Sold under guarantee which has been filed with the Secretary of Agriculture,  
Washington, D. C., under number 1031.

**HELVETIA MILK CONDENSING CO.**

Main Office: **HIGHLAND, ILL.**

Sales Offices:

**NEW YORK**

**CHICAGO**

**SAN FRANCISCO**

**ATLAS**  
**Harmless Synthetic Colors**

**ATLAS VEGETABLE COLORS**  
**IN PASTE OR DRY FORM**

**Atlas Carmine**

No. 40

Guaranteed absolutely free  
from coal tar matter. Has  
no equal in strength, clearness  
or brilliancy.



**Koncentrona**

**:: :: OUR NEW :: ::**  
**VEGETABLE BROWN**

To replace Coal Tar or Iron  
Browns. The only adaptable  
Vegetable Brown, very strong  
and correct in shade.

**H. KOHNSTAMM & COMPANY**

Established 1851

112 Franklin Street, **CHICAGO**

87 Park Place, **NEW YORK**



# THE AMERICAN FOOD JOURNAL



Vol. 2. No. 5.

CHICAGO, MAY 15, 1907.

Monthly, \$1 Per Year.  
10c Per Copy.

## THE NEW ILLINOIS FOOD LAW.

An act to prevent fraud in the sale of dairy products, their imitation or substitutes, to prohibit and prevent the manufacture and sale of unhealthful, adulterated or misbranded food, liquors or dairy products, to provide for the appointment of a State Food Commissioner and his assistants, to define their powers and duties and to repeal all acts relating to the production, manufacture and sale of dairy and food products and liquors in conflict herewith.

Section 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly:* PROVISION FOR APPOINTMENT OF A STATE FOOD COMMISSIONER, AND THE ESTABLISHMENT OF A STATE FOOD DEPARTMENT.—That the Governor shall appoint a Commissioner who shall be known as the State Food Commissioner, who shall be a citizen of the State of Illinois, and who shall hold his office for the term of four years and until his successor is appointed and qualified, and who shall receive a salary of thirty hundred dollars per annum and his necessary expenses incurred by him in the discharge of his official duties, and who shall be charged with the enforcement of all laws that now exist or that hereafter may be enacted in this State regarding the production, manufacture, sale and labeling of food as herein defined, and to prosecute or cause to be prosecuted any person, firm or corporation, or agent thereof, engaged in the manufacture or sale of any article manufactured or sold in violation of the provisions of any such law or laws. The Governor shall also appoint from time to time as required, a Food Standard Commission, for the purpose of determining and adopting standards of quality, purity or strength, for Food Products, for the State of Illinois, to consist of three members, one of whom shall be the State Food Commissioner or his representative, who shall serve without extra pay; one of whom shall be a representative of the Illinois Food

manufacturing industries and one of whom shall be an expert food chemist of known reputation, all to be citizens of the State of Illinois, who shall receive fifteen dollars (\$15.00) per day for a period not exceeding thirty (30) days in one year and necessary expenses incurred during the time employed in the discharge of their duties.

*Provided,* That said Food Standard Commission in determining and adopting a standard of quality, purity or strength, of milk or cream, shall fix such standard as may be determined, solely by the examination and test of milk or cream and the can or receptacle in which it is placed.

The said commissioner is hereby authorized to appoint, with the advice and consent of the Governor, one assistant commissioner who shall be a practical dairyman, whose salary shall be \$2,000 per annum and expenses incurred in official duties. One chief chemist who shall be known as State Analyst, whose salary shall be \$2,500 and expenses incurred in the discharge of official duties. One attorney, whose salary shall be \$1,800 per annum and expenses incurred in the discharge of official duties. One chief clerk, whose salary shall be \$1,800 per annum and expenses incurred in discharge of official duties. Said commissioner shall also have authority to appoint five analytical chemists, whose salary shall be \$1,200 per annum each; 12 inspectors, whose salary shall be \$1,200 per annum and the necessary expenses incurred in the performance of



their duties. Three (3) stenographers at \$900 and one assistant clerk at \$900 each.

The said Commissioner shall make annual reports to the Governor, not later than the 15th day of January, of his work and proceedings, and shall report in detail the number of inspectors he has appointed and employed with their expenses and disbursements and the amount of salary paid the same, and he may from time to time issue bulletins of information when in his judgment the interests of the State would be promoted thereby.

The said Commissioner shall maintain an office and laboratory where the business of said department may be conducted. This section shall not affect the term of office of the present Commissioner, and he shall be regarded as having been appointed under the provisions of this Act.

Section 2. POWER OF COMMISSIONER. AND INSPECTORS MAKING INSPECTION.—The State Food Commissioner, and such inspectors and agents as shall be duly authorized for the purpose, when and as often as they may deem it necessary, for the purpose of determining whether any manufactured food complies with the law, shall examine the raw materials used in the manufacture of food products and determine whether any filthy, decomposed or putrid substance is used in their preparation. They may also examine all premises, carriages or cars where food is manufactured, transported, stored, or served to patrons, for the purpose only of ascertaining their sanitary condition and examining and taking samples of the raw materials and finished products found therein; but nothing in this Act shall be construed as permitting such officers to inquire into, or examine methods or processes of manufacture, or requiring or compelling proprietors, or manufacturers, or packers of proprietary or other food products, to disclose trade rights, or secret processes, or methods of manufacture.

Said Commissioner, inspectors and agents shall also have power and authority to open any package, can or vessel, containing or supposed to contain, any article manufactured, sold or exposed for sale, or held in possession with intent to sell, in violation of the provisions of this act, or laws that now exist, or that may hereafter be enacted in this State, and may inspect the contents thereof, and may take samples therefrom for analysis. The employees of railroads, express companies, or other common carriers, shall render to them all the assistance in their power, when so requested, in tracing, finding or disclosing the presence of any article prohibited by law, and in securing samples thereof as herein provided for.

Section 3. REFUSAL TO ASSIST INSPECTOR A MISDEMEANOR.—Any refusal or neglect on the part of such employees of railroads, express companies or other common carriers, to render such friendly aid, or to furnish such samples for analysis, as provided for in Section 2 of this Act, shall be deemed a misdemeanor and shall be punished as hereinafter provided.

Section 4. The person taking such sample as provided for in Section 2 of this Act, shall in the case of bulk or broken package goods divide the same into two equal parts, as nearly as may be, and in the case of sealed and unbroken packages he shall select two of said packages, which two said packages shall constitute the sample taken and, properly to identify the same, he shall, in the presence of the person from whom the same is taken, mark or seal each half or

part of such sample with a paper seal or otherwise, and shall write his name thereon and number each part of said sample with the same number and also write thereon the name of the said dealer in whose place of business the sample is found and the person from whom said sample is taken shall also write his name thereon and at the same time the person taking said sample shall give notice to such person from whom said sample is taken that said sample was obtained for the purpose of examination by the State Food Commissioner. One part of said sample shall be taken by the person so procuring the same to the State Analyst or other competent person appointed for the purpose of making examinations or analyses of samples so taken, and the person taking such sample shall tender to the person from whom it is taken, the value of that part thereof so retained by the person taking said sample; the other part of said sample shall be delivered to the person from whom said sample is taken. If the person from whom said sample is taken has recourse upon the manufacturer or guarantor either by operation of law or under contract for any failure of the part of said sample to comply with the provisions of this Act, then said person from whom said sample is taken shall retain for the period of ninety days that part of said sample so delivered to him in order that said manufacturer or guarantor may have the same examined or analyzed if he so desires:

*Provided*, That the person procuring said sample may securely pack and box that part thereof retained by him and send the same to the State Analyst, or other competent person appointed hereunder for the purpose of making examinations or analyses of samples, and his testimony that he did procure the sample and that he sealed and numbered the same as herein provided, and that he wrote his name thereon and that he packed and boxed said part thereof and sent the same to the State Analyst, or other competent person appointed hereunder to analyze such sample and the testimony of the person to whom said package or box is addressed that he received the same in apparent good order that said sample was sealed and that the number thereof and name of the sender, as herein provided for, was on said sample, and that the seal at the time the same was received was unbroken, shall be *prima facie* evidence that the sample so received is the sample that was sent, and that the contents thereof are the same and in the same condition as at the time the person so procuring said sample parted with the possession thereof, and the testimony of said two witnesses as above shall be sufficient to make such *prima facie* proof.

Section 5. MANUFACTURING ADULTERATED OR MISBRANDED FOOD MISDEMEANOR.—It shall be unlawful for any person to manufacture for sale within the State of Illinois any article of food or drink which is adulterated or misbranded within the meaning of this Act and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor and on conviction thereof shall be punished according to the provisions of this Act.

*Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country or purchaser, and prepared or packed according to the specifications or directions of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for do-



mestic use or consumption, then this proviso shall not except said article from the operation of any of the other provisions of this Act.

Section 6. POSSESSION MISBRANDED OR ADULTERATED ARTICLES PROHIBITED.—The having in possession of any article of food or drink which is misbranded or adulterated with intent to sell the same, is hereby prohibited, and whoever shall have in his possession with the intent to sell, sell or offer for sale any article which is adulterated or misbranded within the meaning of this Act, shall be guilty of a misdemeanor, and on conviction thereof shall be punished as hereinafter provided. Proof that any person, firm or corporation has or had possession of any article which is adulterated or misbranded shall be *prima facie* evidence that the possession thereof is in violation of this section.

Section 7. TERM FOOD DEFINED.—The term "food," as used herein shall include all articles used for food, drink, confectionery or condiment by man or other animals, whether simple, mixed or compound, and any substance used as a constituent in the manufacture thereof.

Section 8. DEFINES ADULTERATION.—That for the purpose of this Act an article shall be deemed to be adulterated: In case of confectionery:

FIRST: If it contains terra alba, barytes, talc, chrome yellow, paraffin, mineral fillers, or poisonous mineral substances, or poisonous color or flavor.

SECOND: If it contains any ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound, or narcotic drug.

In case of food:

FIRST: If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality, strength or purity.

SECOND: If any substance has been substituted wholly or in part for the article.

THIRD: If any valuable constituent of the article has been wholly or in part abstracted; *Provided*, That in the manufacture of skim or separated cheese the whole or a part of the butter fats in the milk may be abstracted.

FOURTH: If it be mixed, colored, powdered, coated, polished or stained in any manner whereby damage or inferiority is concealed, or it is made to appear better or of greater value than it really is.

FIFTH: If it contains any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by an external application, applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering of the package, the provisions of this Act shall be construed as applying only when such products are ready for consumption; and formaldehyde, hydrofluoric acid, boric acid, salicylic acid and all compounds and derivatives thereof are hereby declared unwholesome and injurious.

SIXTH: If it consists in whole or in part of a filthy, decomposed or putrid, infected, tainted or rotten animal or vegetable substance or article, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

Section 9. MISBRANDED DEFINED.—The

term "misbranded" as used herein, shall apply to all articles of food or drink, or articles which enter into the composition of food or drink, the packages or label of which shall bear any statement, design or device regarding such article, or the ingredients or substance contained therein which shall be false or misleading in any particular and to any such products which are falsely branded as to manufacturer, packer or dealer who sells the same or as to the state, territory or country in which it is manufactured or produced. That for the purpose of this Act an article shall be deemed misbranded.

In case of food:

FIRST: If it be an imitation of or offered for sale under the distinctive name of another article.

SECOND: If it be labeled or branded so as to deceive or mislead the purchaser, or purports to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it shall fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate or acetanilid, or any derivative or preparation of any such substances contained therein.

THIRD: If in any package form and the contents are stated in terms of weight or measure, they are not correctly and plainly stated on the outside of the package.

FOURTH: If it be a manufactured article of food or food sold in package form, and is not distinctly labeled, marked or branded with the true name of the article, and with either the name of the manufacturer and place of manufacture or the name and address of the packer or dealer who sells the same.

FIFTH: If the package containing it, or its label, shall bear any statement, design or device regarding the ingredients or the substance contained therein, which statement, design or device shall be false or misleading in any particular: *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in following cases:

FIRST: In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where the article has been manufactured or produced.

SECOND: In the case of articles labeled, branded or tagged so as to plainly indicate that they are compounds, imitations or blends, and the word "compound," "imitation" or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, That the term "blend," as used herein, shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: "and as applied to alcoholic beverages only those distilled spirits shall be regarded as 'like substances' which are distilled from the fermented mash of grain and are of the same alcoholic strength." And, *provided further*, that nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods, which contain no unwholesome added ingredients, to disclose their trade



formulas, except in so far as the provisions of this Act may require to secure freedom from adulteration or misbranding.

THIRD: In the case of mixtures of corn syrup (glucose) or corn sugar (dextrose) or corn sugar syrup, with cane or beet sugar (sucrose) or cane or beet sugar syrup, in food, if the maximum percentage of corn syrup (glucose), or corn sugar (dextrose) or corn sugar syrup, in such article of food be plainly stated on the label.

Section 10. CONFISCATION AND CONDEMNATION OF MISBRANDED, OR ADULTERATED FOODS.—Any article of food or drink or liquor that is adulterated or misbranded within the meaning of this Act, and is being sold or offered for sale within the State of Illinois, shall be liable to be proceeded against in any circuit court, or the superior court of Cook County, or the municipal court of any city, or before any justice of the peace within whose jurisdiction the same may be found, and seized for confiscation by process of law or condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character within the meaning of this Act, the same shall be disposed of by destruction or sale as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the treasury of the State of Illinois and credited to the fund of the State Food Commission, to be used in the enforcement of the State food laws, but such goods shall in no instance be sold contrary to the provisions of this Act: *Provided, however,* that upon the payment of the costs of such libel proceedings and the execution and the delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this act, the Court may by order, direct that such articles be delivered to the owner thereof. Either party may demand trial by jury upon any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the People of the State of Illinois.

Section 11. VINEGAR TO BE BRANDED.—All vinegar made by fermentation and oxidation without the intervention of distillation, shall be branded with the name of the fruit or substance from which the same is made. All vinegar made wholly or in part from distilled liquor shall be branded "distilled vinegar," and shall not be colored in imitation of cider vinegar. All vinegar shall be made wholly from the fruit or grain from which it purports to be or is represented to be made, shall contain no foreign substance, and shall contain not less than four per cent, by weight, of absolute acetic acid.

Section 12. EXTRACTS TO BE LABELED.—Extracts made of more than one principal shall be labeled in a conspicuous manner with the name of each principal, or else with the name of the inferior or adulterant, and in all cases when an extract is labeled with two or more names, such names must be in a conspicuous place on said label, and in no instance shall such mixture be called imitation, artificial or compound, and the name of one of the articles used shall not be given greater prominence than another: *Provided,* That all extracts which cannot be made from the fruit, berry, bean or other part of the plant, and must necessarily be made artificially, as raspberry, strawberry, etc., shall be labeled "imitation" in letters similar in size and immediately preceding the name of

the article: *Provided, further,* That prepared cocoanut, containing nothing other than cocoanut, sugar and glycerine, shall be labeled as prepared cocoanut, and when so made need not be labeled "compound" or "mixture."

Section 13. BAKING POWDER—HOW LABELED.—No person by himself, his servant, or his agent, or as the servant of any other person, shall, *first*, make or manufacture baking powder or any other mixture or compound intended for use as baking powder; *second*, or sell, exchange, deliver, or offer for sale, or exchange such baking powder or any mixture or compound intended for use as baking powder, unless the same shall contain not less than ten per cent available carbon dioxide, and unless the common names of all the ingredients be printed on the label.

Section 14. ADULTERATED SPIRITUOUS MALT OR VINOUS LIQUORS PROHIBITED.—No person shall, within this State, by himself, his servant or agent, or as a servant or agent of any other person or corporation, manufacture, brew, distill, have or offer for sale, or sell any spirituous or fermented or malt liquor, containing any drug, substance or ingredient not healthful or not normally existing in said spirituous, fermented or malt liquor, or which may be deleterious or detrimental to health when such liquors are used as a beverage, and the following drugs, substances or ingredients shall be deemed to be not healthful, and shall be deemed to be deleterious or detrimental to health when contained in such liquors, to-wit: Coccus indicus, copperas, opium, cayenne pepper, picric acid, Indian hemp, strychnine, arsenic, tobacco, dandel seed, extract of logwood, salts of zinc, copper or lead, alum, methyl alcohol and its derivatives, and any extracts or compound of any of the above drugs, substances, or ingredients and any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor.

Section 15. MUTILATING LABEL PROHIBITED.—Whoever shall deface, change, erase or remove any mark, label or brand provided for by this Act with intent to mislead, deceive or to violate any of the provisions of this Act, shall be held liable to the penalties of this Act.

Section 16. SALE OF UNCLEAN OR UNWHOLE SOME MILK FOR CONSUMPTION AND UNSANITARY CONTAINERS PROHIBITED.—No person, firm or corporation shall offer for sale, or sell to any person, firm or corporation, creamery or cheese factory, any unclean, unhealthful, unwholesome, or adulterated milk or cream, or any milk or cream which has not been well cooled or to which water or any other foreign substance has been added, or milk or cream which has been handled or transported in unclean or unsanitary vessels or containers: *Provided,* That nothing in this section shall be construed to prevent the sale of skim milk to factories engaged in the manufacture of skim milk products nor the sale of skim milk under the provisions of Section 19 of this Act.

Section 17. PERSONS RECEIVING MILK TO WASH CANS.—Any person, firm or corporation who receives from any other person, firm or corporation, any milk or cream in cans, bottles or vessels which has been transported over any railroad, or boat line, where such cans, bottles or vessels are to be returned, shall cause the said cans, bottles or vessels to be emptied before the said milk or cream contained therein shall become sour, and shall cause said cans, bottles or ves-



sels to be immediately washed and thoroughly cleansed and aired.

Section 18. NOT TO MANUFACTURE FOOD FROM IMPURE OR UNCLEAN MILK OR CREAM.—No person, firm or corporation shall manufacture from unclean, impure, unhealthful or unwholesome milk, or from cream from the same, any article of food.

Section 19. SALE OF SKIM MILK—CANS—HOW LABELED.—No person, firm or corporation shall sell, or expose for sale, or have in his possession with intent to sell, in any store or place of business, or on any wagon or other vehicle, used in transporting milk from which cream has been removed, any such milk or milk commonly called "skim milk" without first attaching to the can, vessel or package containing said milk, a tag with the words "Skim Milk" printed on both sides of said tag in large letters, each letter being at least three-fourths of an inch high and one-half inch wide: said tag shall be attached to the top or side of said can, vessel or package where it can be easily seen.

Section 20. INSTRUMENTS FOR MEASURING MILK AND CREAM STANDARDS.—The State standard milk measure or pipettes shall have for milk a capacity of seventeen and six-tenths cubic centimeters, and the State standard test tubes or bottles for milk shall have a capacity of two cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero" and ten on the graduated scale marked on the necks thereof. For cream, eighteen grams shall be used, and the standard test tubes or bottles for cream shall have a capacity of six cubic centimeters of mercury at a temperature of sixty degrees Fahrenheit between "zero" and thirty on the graduated scale marked on the necks thereof, and it is hereby made a misdemeanor to use any other measure, pipette, test tube or bottle to determine the per cent of butter fat where milk or cream is purchased by, or furnished to creameries or cheese factories, and where the value of said milk is determined by the per cent of butter fat contained in the same. Any manufacturer, merchant, dealer or agent in this State who shall offer for sale or sell a cream or milk pipette or measure, test tube or bottle which is not correctly marked or graduated, as herein provided, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided in this Act.

Section 21. UNDERREADING BABCOCK TEST PROHIBITED.—It shall be unlawful for the owner, manager, agent or any employe of a creamery or cheese factory to manipulate or underread the Babcock test, or any other contrivance used for determining the quality or value of milk, or to falsify the record thereof, or to pay for such milk on the basis of any measurement except the true measurement as thereby determined.

Section 22: SALE OF PRESERVATIVES PROHIBITED.—No person, firm or corporation shall manufacture for sale, advertise, offer or expose for sale, or sell, any mixture or compound intended for use as a preservative or other adulterant of milk, cream, butter or cheese, nor shall he manufacture for sale, advertise, offer or expose for sale, or sell any unwholesome or injurious preservative or any mixture or compound thereof intended as a preservative of any food: *Provided, however,* that this Section shall not apply to pure salt added to butter and cheese.

Section 23: VEHICLES TO BE MARKED.—Any person, firm, or corporation, who shall in any of

the cities, incorporated towns or villages of this State which contain a population of 5,000 or over, engage in or carry on a retail business in the sale or exchange of, or any retail traffic in milk or cream, shall have each and every carriage or vehicle from which the same is vended, conspicuously marked with the name of such vendor on both sides of such carriage or vehicles.

Section 24. ILLEGAL LARD.—No person shall within this State, manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell, as lard, any substance not the legitimate and exclusive product of the fat of the hog.

Section 25. LARD SUBSTITUTE.—No person shall manufacture for sale within this State, or have in his possession with intent to sell, offer or expose for sale, or sell as lard, or as a substitute for lard, or as an imitation of lard, any mixture or compound which is designed to take the place of lard and which is made from animal or vegetable oils or fats other than the fat of the hog, or any mixture or combination with any animal or vegetable oils or fats, unless the tierce, barrel, tub, pail, or package containing the same shall be distinctly and legibly branded or labeled with the name of the person, firm or corporation making the same, together with the location of the manufactory and the words "Lard Substitute," or "Adulterated Lard" or "Compound," "Imitation" or "Blend," as the case may be, or unless the same shall be sold under its own distinctive name as provided for in Section 9 of this Act.

Section 26. PERSON SELLING IMITATION OR SUBSTITUTE FOR LARD TO INFORM PURCHASER.—It shall be unlawful to sell or offer for sale any "Lard Substitute" or "Adulterated Lard" or "Compound," "Imitation" or "Blend" as herein defined without informing the purchaser thereof, or the person or persons to whom the same is offered for sale, that the substance sold or offered for sale is "Lard Substitute" or "Adulterated Lard" or "Compound," "Imitation" or "Blend" as the case may be.

Section 27. SALE OF PROCESS BUTTER NOT BRANDED PROHIBITED.—No person, firm or corporation, agent or employe shall manufacture for sale, sell, offer or expose for sale, in this State, any butter that is produced by taking original packing stock butter, or other butter, or both, and melting same so that the butter fat can be drawn off or extracted, then mixing the said butter fat with skimmed milk, or milk, or cream, or other milk product, and rechurning or reworking the said mixture, or that produced by any process that is commonly known as boiled, process or renovated butter, unless the same is branded or marked as provided in section twenty-eight of this Act.

Section 28. PROCESS BUTTER — HOW BRANDED.—No person, firm, corporation, agent or employe shall sell, offer or expose for sale, or deliver to a purchaser, any boiled, process or renovated butter as defined in section twenty-seven of this Act, unless the words "Renovated Butter," shall be plainly branded with Gothic or bold-face letters at least three-fourths of an inch in length on the top and sides of each tub, or box, or pail, or other kind of case or package, or on the wrapper of prints or rolls or bulk packages in which it is put up. If such butter is exposed for sale uncovered, or not in a case or package, a placard containing the label so printed shall be attached to the mass of butter in such a manner as to be easily seen



and read by the purchaser. The branding or marking of all packages shall be in the English language, and in a conspicuous place so as to be easily seen and read by the purchaser.

Section 29. **ILLEGAL FOODS TO BE SEIZED.**

—Whenever the Commissioner or his agents shall have ground for suspicion that any article of food, found in possession of any person, firm or corporation, is adulterated or misbranded within the meaning of this Act, he may seize such article of food and make an inventory thereof, and shall leave a copy of such inventory with the party holding such suspected goods, and tag the same "suspected"; and he shall notify in writing the person, firm or corporation in whose possession it may be found, not to offer the same for sale or sell or otherwise dispose of the same until further notice in writing from the Commissioner. Whereupon the Commissioner shall forthwith cause a sample of said article of food to be examined or analyzed, and if the same shall be found to be adulterated or misbranded within the meaning of this Act the Commissioner shall proceed with a hearing and subsequent proceedings as provided in this Act. If, however, such examination or analysis shall show that such article of food complies with the provisions of this Act, the person, firm or corporation, in whose possession such article of food is found shall forthwith be notified in writing that said seizure is released, and authority given to dispose of such article of food. Such seizure may be had without a warrant and said Commissioner, and all Inspectors and Agents appointed pursuant to law are hereby given full power and authority of "policemen." Any court having jurisdiction, upon receiving proof of probable cause for believing in the concealment of any food or dairy products or substitutes therefor, or imitation thereof, kept for sale or for a purpose, or had in possession or under control, contrary to the provisions of this Act, or other laws which now exist or may be hereafter enacted, shall issue a search warrant and cause a search to be made in any place therefor and to that end may cause any building, enclosure, wagon or car to be entered, and any apartment, chest, box, locker, tub, jar, crate, basket or package to be broken open and the contents thereof examined.

Section 30. **SEARCH WARRANTS TO BE ISSUED FOR ILLEGAL FOOD.**—All warrants issued pursuant to section twenty-nine hereof shall be directed to the sheriff, bailiff or some constable of the county where such food or dairy products may be supposed to be concealed, commanding such officer to search the house or place where such food or dairy product, or substitute thereof, or imitation thereof, for which he is required to search, is believed to be concealed, which place and the property to be searched for, shall be designated in the warrant, and to bring such food or dairy product or substitute therefor or imitation thereof, when found, and the person in whose possession the same is found, before the magistrate who issued the warrant, or before some other court or magistrate having jurisdiction of the case to be proceeded against as hereinbefore provided for in section ten of this act.

Section 31. **STATE'S ATTORNEY TO ASSIST.**—It shall be the duty of the State's Attorney in any county of this State when called upon by the Commissioner, or any of his assistants to render any legal assistance in his power to execute the law and to prosecute cases arising under the provisions of this Act:

*Provided*, That no person shall be prosecuted under the provisions of this Act for selling or offering for sale any article of food or drugs as defined herein, when same is found to be adulterated or misbranded within the meaning of this Act, in the original unbroken package in which it was received by said person when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in this State, from whom he purchased such article, to the effect that the same is not adulterated or misbranded in the original unbroken package in which said article was received by said dealer, within the meaning of this Act, designating it. Said guaranty to afford protection, shall contain the name and address of the party or parties making the sale of such article to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines and other penalties as provided for in this Act: *Provided*, That no such guaranty shall operate as a defense to prosecutions for the violation of this Act. First, if the dealer shall continue to sell after notice by the State Food Commissioner that such article is adulterated or misbranded within the meaning of this Act. Second, if the dealer shall fail to preserve for the manufacturer or guarantor and deliver to him upon the demand the sample left with him by the Commissioner or his agent.

Section 32. **STATE BOARD OF HEALTH TO FURNISH SAMPLES.**—The State Board of Health may submit to the Commissioner or any of his assistants samples of food or drink for examination or analysis, and shall receive special reports showing the results of such examination or analysis.

Section 33. **STATE ANALYST SHALL NOT FURNISH CERTIFICATE OF PURITY.**—It shall be unlawful for the State Analyst or any Assistant State Analyst to furnish to any individual, firm or corporation any certificate as to the purity or excellence of any article manufactured or sold by them to be used as food or in the preparation of food.

Section 34. **USING SHIFT OR DEVICE.**—The use of any shift or device to evade any of the provisions of this Act shall be deemed a violation of such provision and punishable as herein provided.

Section 35. **MASTER'S LIABILITY, ETC.**—Whoever shall, by himself or another, either as principal, clerk or servant, directly or indirectly, violate any of the provisions of this Act, shall be guilty of a misdemeanor and punished as herein provided.

Section 36. **PENALTIES, LICENSE FEES AND PROCEEDS PAID TO STATE TREASURER.**—All fines, penalties, and all proceeds collected from goods confiscated and sold under the provisions of this Act and other laws relating to dairy and food products, and all license fees collected hereunder, shall be paid into the State Treasury.

Section 37. **LABEL—SIZE OF TYPE.**—The principal label on any package of food, as defined by this Act, shall be printed plainly and legibly in English with or without the foreign label in the language of the country where the product is produced or manufactured, and the size of type, if not otherwise described in this Act, shall be not smaller than eight-point (brevier) caps: *Provided*, That in case the size of the package will not permit the use of eight-point cap type, the size of the type may be reduced proportionately.

Section 38. **FOOD COMMISSIONER TO MAKE RULES AND REGULATIONS.**—The State Food Commissioner shall make rules and regulations for



carrying out the provisions of this Act, and shall have power to make rules and regulations for the analyzing and reporting the results thereof, of articles submitted for analyses by the State Board of Health, and regulating the analyzing and reporting thereon of samples taken under any law or laws of the United States by any person hereunder, or furnished by any officer or employe charged with the enforcement of the laws of the United States relative to the manufacture, sale or transportation of adulterated, misbranded, poisonous or deleterious foods, dairy products or articles manufactured from dairy products, or liquors.

**Section 39. STANDARD OF PURITY AND STRENGTH.**—In the enforcement of this Act, and in the construction thereof, the following named articles of foodstuffs, when offered for sale or exposed for sale, or sold, shall conform to the analytical requirements set opposite each respectively.

*Milk* shall contain not less than three (3) per cent of milk fat and not less than eight and one-half (8.5) per cent of solids, not fat.

*Condensed Milk and Evaporated Milk* shall contain not less than twenty-eight (28) per cent of milk solids and one hundred (100) per cent of such milk solids shall contain not less than twenty-seven and five-tenths (27.5) per cent of milk fat.

*Cream* shall contain not less than eighteen (18) per cent of milk fat.

*Maple Sugar* shall contain not less than sixty-five one-hundredths (0.65) per cent of maple ash in the water-free substance.

*Honey* is laevo-rotatory, contains not more than twenty-five (25) per cent of water, not more than twenty-five hundredths (0.25) per cent of ash and not more than eight (8) per cent of sucrose.

*Cloves* shall contain not more than five (5) per cent of clove stems, not less than ten (10) per cent of volatile ether extract, not less than twelve (12) per cent of quercitannic acid, not more than eight (8) per cent of total ash, not more than five-tenths (0.5) per cent of ash insoluble in hydrochloric acid, and not more than ten (10) per cent of crude fiber.

*Black Pepper* shall contain not less than six (6) per cent of non-volatile ether extract, not less than twenty-five (25) per cent of pepper starch, not more than seven (7) per cent of total ash, not more than two (2) per cent of ash insoluble in hydrochloric acid, and not more than fifteen (15) per cent of crude fiber.

*Lemon Extract* shall contain not less than five (5) per cent of oil of lemon by volume.

*Orange Extract* shall contain not less than five (5) per cent of oil of orange by volume.

*Vanilla Extract* shall contain in one hundred (100) cubic centimeters the soluble matters from not less than ten (10) grams of vanilla bean.

*Olive Oil* has a refractive index (25° C.) not less than one hundred and forty-six hundred and sixty ten-thousandths (1.4660) and not exceeding one and forty-six hundred and eighty ten-thousandths (1.4680); and an iodine number not less than seventy-nine (79) and not exceeding ninety (90).

*All Vinegars* shall contain four (4) grams of acetic acid in one hundred (100) cubic centimeters (20° C.).

*Cider Vinegar* shall contain not less than one and six-tenths (1.6) grams of apple solids, and not less than twenty-five hundredths (0.25) grams of apple ash in one hundred (100) cubic centimeters (20° C.).

*Wine Vinegar* shall contain not less than one (1)

gram of grape solids and not less than thirteen-hundredths (0.13) gram of grape ash in one hundred cubic centimeters (20° C.).

*Malt Vinegar* shall contain in one hundred (100) cubic centimeters (20° C.) not less than two (2) grams of solids and not less than two-tenths (0.2) gram of ash.

In the enforcement of this Act and the construction thereof all articles of food not defined in this Act, when offered for sale or exposed for sale, or sold, shall conform to the definition and analytical requirements of the standards adopted and promulgated from time to time by the State Food Standard Commission. *Provided*, Such standards for any article of food or drink, or for any substance used or intended to be used in food or drink, shall be deemed *prima facie* evidence of the proper standard of quality, purity and strength of any such article or substance, but shall only be deemed such *prima facie* evidence in the trial of cases brought in the proper courts to enforce the provisions of this Act. *Provided*, That nothing in this section shall be construed to prevent the sale of any wholesome food product which varies from such standards, if such article of food be labeled so as to clearly indicate such variation.

**Section 40. PRELIMINARY HEARING BY THE COMMISSIONER.**—When it appears from the examination or analysis that the provisions of this Act have been violated, the Food Commissioner shall cause notice of such fact, together with a copy of the findings, to be given to the party or parties from whom the sample was obtained; and to the party, if any, whose name appears upon the label as manufacturer, packer, wholesaler, retailer, or other dealer, by registered mail. The receipt of the Postoffice Department for such registered notice shall be received as *prima facie* evidence that such notice has been given. The party, or parties, so notified, shall be given an opportunity to be heard under such rules and regulations as may be prescribed as aforesaid. Notices shall specify the date, hour and place of the hearing. The hearing shall be private, and the parties interested therein may appear in person or by attorney. If, after such hearing, the Commissioner shall believe this Act has been violated, he shall cause the party, or parties whom he believes to be guilty, to be prosecuted forthwith, under the provisions of this Act.

No action or prosecution shall be instituted against any person for a violation of the provisions of this Act unless the same shall have been commenced within ninety days from the taking of said sample.

**Section 41. PENALTY.**—Any person convicted of violating any of the provisions of the foregoing Act shall, for the first offense, be punished by a fine in any sum not less than fifteen (15) dollars, and not more than one hundred (100) dollars, or by imprisonment in the county jail not exceeding thirty days, or by both such fine and imprisonment, in the discretion of the court, and for the second and each subsequent offense by a fine of not less than twenty-five (25) dollars and not more than two hundred (200) dollars, or by imprisonment in the county jail not exceeding one year, or both, in the discretion of the court; or the fine above may be sued for and recovered before any justice of the peace or any other court of competent jurisdiction in the county where the offense shall have been committed, at the instance of the State Food Commissioner or any other person in the name of the People



of the State of Illinois as plaintiff and shall be recovered in an action of debt.

Section 42. JUDGMENT—ISSUING CAPIAS — When the rendition of the judgment imposes a fine as provided in any of the sections of this Act, it shall be the duty of the justice of the peace or other court rendering such judgment also to render a judgment for costs and such justice of the peace or other court shall forthwith issue a capias or warrant of commitment against the body of the defendant, commanding that unless the said fine and costs be forthwith paid the defendant shall be committed to the jail of the county and the constable or other officer, to whose hands said capias or warrant shall come, shall in default of such

payment, arrest the defendant and commit him to the jail of the county, there to remain as provided in Section 171 of "An Act to revise the law in relation to criminal jurisprudence," in force July 1, 1885, unless such fines and costs shall sooner be paid.

Section 43. REPEAL.—All acts and parts of acts inconsistent with this Act are hereby repealed: *Provided*, That nothing in this Act contained shall be construed as repealing the Act entitled, "An Act to regulate the manufacture and sale of substitutes for butter," approved June 14, 1897, in force July 1, 1897, or any part thereof.

Approved May 14th, 1907.

## TUSTIN'S PENNSYLVANIA FOOD BILL TO MUCH LIKE NATIONAL FOOD LAW

The Tustin Food Bill, which is now pending in the State Senate, was yesterday attacked as being the most vicious measure aimed at the interests of the public ever introduced into the legislature at the annual meeting of the Pure Butter Protective Association, which was held in the rooms of the Produce Exchange. State Dairy and Food Commissioner James Foust, ex-Commissioner Warren and Assistant United States District Attorney Walter A. Douglass, who had charge of the violations of the federal food laws, were present, at the invitation of the association, and addressed the meeting.

Dr. Warren said that the federal laws are defective, one of the main difficulties being the clause that gives a collector or an internal revenue deputy the right, with the consent of the secretary at Washington, to compromise cases. He cited many instances where violations of the law were flagrant, but the federal authorities did not reach them. He particularly noted the League Island cases, when oleomargarine and diseased meats were sold.

"The federal laws," declared Dr. Warren, "are of little account for the protection of the public so far as the dairy interests are concerned, and at the next session of Congress it behooves us to get men who will work for changes in the present statutes."

### LOOPHOLES IN THE LAW.

Assistant District Attorney Douglass attributed much of the trouble in enforcing the law relating particularly to the sale of oleomargarine to its lack of simplicity. The clauses covering oleomargarine sales contained many provisions, but lack definite purpose or information. He laid much stress on the fact that men dealing in oleomargarine could have their headquarters in Camden and do business in Philadelphia, and yet be amenable only to the authorities in Camden.

The present national oleomargarine laws were strongly criticized by Commissioner Foust, who urged the members of the association to appeal to the Pennsylvania members of the United States Senate to secure the necessary changes in the laws. During the course of his speech he was asked to speak on the Tustin Pure Food Bill, which is now pending in the State Senate, and immediately made a strong attack upon it.

### VICIOUS ATTACK ON PUBLIC.

"This bill," he said, "which is known as Senate Bill No. 5, is the most vicious attack upon the public that has ever been introduced into the legislature. It pro-

fects the manufacturers and wholesale and retail merchants who put this poisoned food on the market, but in a very infinitesimal way does it protect the 6,500,000 citizens of the state. If you want to pass a bill that will legalize the poisoning of the people by the manufacturer stand back and calmly allow this bill to be passed. On the other hand, there is a bill, called House Bill No. 990, which exempts the retailers and puts the blame on the wholesalers.

"The Tustin Bill permits the induction of poison in the foods—in fact, legalizes it. The Irving Bill, the one in the House, makes the induction of this poison an offense. The oleomargarine question is a very important one, and we should begin at home. We have some good laws and hope to have more, but they need to be enforced."

### DECLARED UNCONSTITUTIONAL.

A statement prepared by Colonel A. H. Woodward, a prominent lawyer of Clearfield, was read. It also contained an attack upon the Tustin Bill, questioning its constitutionality and declaring that the bill was framed in the interests of the manufacturers. Further, he said, it will not protect the public health and it cannot be enforced.

A committee was appointed whose duty will be to go to Harrisburg when the bill comes up and make a strong fight against it. The following officers were elected: W. F. Drunnen, president; Samuel Jamison and Joseph C. Sharpless, vice-presidents; Isaac W. Davis, secretary and treasurer; Thomas Sharpless, chairman of the executive committee.—Philadelphia Record.

As we go to press we learn that the Tustin Bill passed the Pennsylvania Legislature and now only requires the governor's signature to become a law. The bill as originally introduced was printed in full in the January number of The American Food Journal.

The bill as passed contained many amendments to the original bill and is practically the bill agreed on by Commissioner Foust after a conference with food interests. Many amendments were finally incorporated in the bill. If signed by the governor the complete bill will be printed in our next month's issue.

Harrisburg, Pa., May 17, 1907.—Publishers American Food Journal, Chicago, Ill.: Senator Tustin's pure food act passed finally after numerous amendments. Is now in Governor Stuart's hands awaiting consideration.—Oliver D. Schock.



F. I. D. 60-64.

Issued April 10, 1907.

# United States Department of Agriculture

## BUREAU OF CHEMISTRY

H. W. WILEY, Chief of Bureau.

### FOOD INSPECTION DECISIONS 60-64

60. Minor border importations. 61. Cocoa butter Substitutes. 62. Guaranty on imported products. 63. Use of the word "compound" in the names of drug products. 64. Labeling of sardines.

Inquiry has frequently been made regarding the application of Regulation 33 (requiring a declaration to be attached to the invoice) to foods and drugs brought into the United States in small quantities by farmers living near the border. One correspondent says:

"Farmers along the border are in the habit of occasionally bringing in, in their own teams, maple sugar in small quantities, also butter and like articles of food products of their own raising, and offering the same for entry at the different offices on the frontier. . . . The main question is as to whether or not the affidavits and other proof required by the Pure Food Law shall be required in these instances of minor importations of this class of articles."

Considering the nature of these importations it is held that Regulation 33 does not apply to them and that they may be imported without the declaration. Such products are subject to inspection, however, and if found to be in violation of the law will be excluded.

JAMES WILSON,

Secretary of Agriculture.

Washington, D. C. March 25, 1907.

A manufacturer writes:

"We use in the preparation of chocolate sticks a guaranteed pure production of cocoanut oil. May this product be sold merely as confectionery, and not as chocolate sticks? If not, would it be satisfactory for us to mark the product as 'Chocolate sticks prepared with substitute butter?'"

Regulation 22 prohibits the sale, or offer for sale, in interstate or foreign commerce or in the District of Columbia, or in any territory of the United States, of a food or drug product which bears no label whatever if said product be an imitation of or offered for sale under the name of another article. It would clearly be a violation of the law to sell an article which was made in imitation of chocolate, even though it be sold under the general name of a confection. Such an article should be labeled in such manner as to correctly represent its true nature.

Regulation 25 (a) provides:

"When a substance of a recognized quality commonly used in the preparation of a food or drug product is replaced by another substance not injurious or deleterious to health, the name of the substituted substance shall appear upon the label."

It is held that cocoa butter is the only fat that can

properly be used in chocolate. The declaration of foreign fats merely as "substitute butter" is apparently not sufficient; the nature of the fat employed should be stated.

JAMES WILSON,

Secretary of Agriculture.

Washington, D. C., March 25, 1907.

Many inquiries of the following type have been received by the department:

"We will take it as a favor if you will advise us if (since our goods are all imported and so must pass the custom-house before being sold) the fact of their having passed the customs authorities and the Department of Agriculture examination is not in itself a guaranty that they conform with the pure food laws as defined by the act of Congress approved June 30, 1906, entitled 'An act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, liquors,' etc."

The department makes a systematic inspection of imported foods and drugs when they arrive at the custom-houses; and while such inspection does not include an examination of samples taken from every package of the aforesaid articles, it is sufficient to indicate that the article is suitable to enter the country and be sent into interstate commerce as long as it retains its identity in the unbroken package. If imported foods and drugs are taken from the original packages and repacked, they become subject to inspection as if of domestic origin, and the persons handling and selling said articles are not immune from prosecution in the event that a subsequent inspection discloses that all or any portion of said foods or drugs are adulterated or misbranded according to the provisions of said statute or the regulations made thereunder.

Only a wholesaler, jobber, manufacturer, or other party residing in the United States can give a guaranty within the meaning of said act. A foreign manufacturer or other foreign dealer cannot give the guaranty prescribed in said law, nor can the agent of such foreign manufacturer or dealer give said guaranty unless such agent be a resident of the United States and unless such agent be a resident of the United States and unless he actually sells the goods covered by the guaranty.

The person who owns and sells imported goods can make a guaranty for the purpose aforesaid, though the goods may be shipped directly by the firm of



whom the guarantor buys them to the customer of the guarantor.

JAMES WILSON,

Secretary of Agriculture.

Washington, D. C., March 25, 1907.

(F. I. D. 63.)

### USE OF THE WORD "COMPOUND" IN NAMES OF DRUG PRODUCTS.

Many inquiries are received concerning the use of the word "compound" in names of drug products. There seems to be a general impression that this word can be applied as a corrective to many misbranded products. The following extracts serve as examples:

"You have on file our formula (active agents—croton oil and cascara), and we would ask if it is possible to call the same 'castor pill compound' and comply with the regulations?"

"This liniment has been in use for forty years. The ingredients, each separately and collectively, are sanitary and highly curative. The one ingredient after which it was named happens to be present in the least proportion. Cannot the compound be called by the name 'Compound Sassafras Cream?'"

An eminent jurist writes:

"I shall be glad to know the views entertained by your department as to when a druggist has satisfied this act by a label or printed matter which he puts on the package or bottle in relation to a compound. Take, for example, the product put on the market as Cascarin Compound, or Aloin Compound. I am impressed with the fact that such label must have added a statement as to what the other ingredients of the compound are. This may not mean, and probably does not mean, that the formula must be given or the exact proportions, but a purchaser has the right to know what is in the compound in order to determine for himself, or to receive proper advice, as to whether it is safe to be used."

In no case can a preparation be named after an ingredient or drug which is not present. The word "compound" should not be used in connection with a name which in itself, or together with representations and designs accompanying same, would be construed as a form of misbranding under the act.

It is held that if a mixture of drugs is named after one or more but not all of the active medicinal constituents (not vehicle) present in a preparation, the word "compound" can be used in connection with the name, (a) provided the active constituent after which the product is named is present in an amount at least equal to that of any other active medicinal agent present. Example: If it is desired to make a mixture consisting of oil of sandalwood, balsam copaiba, and castor oil, and call this product "Oil of Sandalwood Compound," the oil of sandalwood should constitute at least 33 1-3 per cent of the entire mixture. Or (b) provided the potent active constituent after which the product is named is present in sufficient amount to impart the preponderating medicinal effect. Example: If a product is named after the active constituent, strychnine, the strychnine or one of its salts should be present in sufficient amount to produce the preponderating medicinal effect of the preparation. Or (c) provided the complete quantitative formula, as outlined in the United States Pharmacopœia and National Formulary, be given on the principal label. A declaration of the complete quantitative formula, how-

ever, does not exempt the manufacturer or dealer from giving the information required by the act in the manner prescribed by the regulations. The ounce shall be the unit. The amounts of the ingredients present (excepting alcohol, which is to be stated in per cent) shall be given in grains or minims, and if it is desired the metric equivalent may be given in addition.

JAMES WILSON,

Secretary of Agriculture.

Washington, D. C., March 23, 1907.

(F. I. D. 64.)

### LABELING OF SARDINES.

Many inquiries have been made of this department respecting the extent to which the term "sardine" can be used in food products entering into foreign or interstate commerce. The question of the proper labeling of fish of this kind was submitted by the department to the Department of Commerce and Labor, Bureau of Fisheries. After reviewing the nomenclature and trade practices the Department of Commerce and Labor reached the following conclusion:

"Commercially the name sardine has come to signify any small, canned, clupeoid fish; and the methods of preparation are so various that it is impossible to establish any absolute standard of quality. It appears to this department that the purposes of the pure food law will be carried out and the public fully protected if all sardines bear labels showing the place where produced and the nature of the ingredients used in preserving or flavoring the fish."

In harmony with the opinion of the experts of the Bureau of Fisheries, the Department of Agriculture holds that the term "sardine" may be applied to any small fish described above, and that the name "sardine" should be accompanied with the name of the country or state in which the fish are taken and prepared, and with a statement of the nature of the ingredients used in preserving or flavoring the fish.

It is held that a small fish of the clupeoid family, caught upon or near the shores of and packed in oil in Norway, or smoked and packed in oil, is properly labeled with the phrase "Norwegian Sardines in Oil," or "Norwegian Smoked Sardines in Oil," the nature of the oil being designated. In like manner a small fish of the clupeoid family caught upon or near the shores of and packed in France may be called "French Sardines in Oil," the nature of the oil being specified. Following the same practice, a fish of the clupeoid family caught on or near the shores of and packed in the United States may be labeled "American Sardines Packed in Oil," or "Maine Sardines Packed in Oil," or be given some similar appellation, the nature of the oil being stated. It is suggested that the name of the particular fish to which the term sardine is to be applied should also be placed upon the label—for example, "Pilchard," "Herring," etc.

JAMES WILSON,

Secretary of Agriculture.

Washington, D. C., March 29, 1907.

While Kentuckians are felicitating themselves upon the presidential interpretation of the Pure Food Law which makes them the only "straight whisky men," the biggest whisky town in the state, Lebanon, has declared for prohibition. There is always a fly in the ointment.—Harvard Courier.



F. I. D. 66-68

Issued April 29, 1907.

# United States Department of Agriculture

## BUREAU OF CHEMISTRY

H. W. WILEY, Chief of Bureau.

### FOOD INSPECTION DECISIONS 66-68

66. The use of sugar in canned foods. 67. Polishing and coating rice. 68. Labeling of food and drug products "Manufactured for," "Prepared for," "Distributed by," etc.

(F. I. D. 66.)

#### THE USE OF SUGAR IN CANNED GOODS.

Numerous inquiries have been addressed to the department respecting the proper labeling of canned fruits and vegetables to which sugar has been added. Sugar is a wholesome food product, and is also condimental. It reveals its own presence by its taste. Its addition to a food product cannot be objected to on the ground of injury to health.

It is held by this department that sugar can be used in the preparation of all food products where it is not used for fraudulent purposes. If sugar be added without notice to Indian corn which is not sweet, for the purpose of making it appear a sweet corn, to be sold as such, it is used for a fraudulent purpose, and for this reason is prohibited by the law.

In section 7 of the law it is provided that a food is adulterated "if it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed." It is evident, therefore, that a food product cannot be mixed with any other substance for the purpose of concealing damage or inferiority. A vegetable which is not naturally sweet could not be sold as one which is naturally sweet by mixing with sugar without violation of the law, unless the addition of sugar is plainly indicated on the label.

The addition of sugar to canned vegetables is not for preservative purposes. Added sugar increases the tendency to fermentation. It is added wholly as a condimental ingredient.

It is held, therefore, that the addition of sugar to a substance not naturally sweet, converting it into a substance which might seem naturally sweet, is justified if the label plainly indicates that the sweetening material is added. In other cases, where no deception is practiced, the mention of the presence of sugar is not required.

The term "sugar," as used herein, is confined to sucrose (saccharose), either in a solid form or in solution.

JAMES WILSON,

Secretary of Agriculture.

Washington, D. C., April 15, 1907.

(F. I. D. 67.)

#### POLISHING AND COATING RICE.

It has been represented to the department that it is a very common practice in this country in the prepara-

tion of rice for commerce to treat it in the following manner:

1. The rough rice is passed through a set of stones, or shellers, which removes the hull.

2. The product is subjected to a series of scouring machines by which the bran and cuticle are removed.

3. The rice is passed through a machine that is known as the brush, which removes a portion of the flour, or more commonly known as polish.

4. The rice is introduced into a warm revolving drum or cylinder holding often as much as 4,000 pounds, and glucose and talc are added in the following manner and in about the following proportion: As the rice is fed into the drums a small proportion of glucose and talc are applied, namely, glucose one one-thousandth and talc one three-thousandth part of the whole. The object of the glucose is to form a coating by means of which a part of the talc is held on the surface of the rice.

It is stated that the rice is coated for the following reasons:

1. The coating makes the rice less susceptible to dust and other foreign matter during transportation and storage.

2. It is, in a measure, a preventive against the attack of the weevils and worms which are so destructive in warm climates.

It has also been represented that in some instances paraffin is used instead of glucose and that rice starch is sometimes used in place of talc for the purpose of finishing rice according to the method described above.

In submitting these representations it has been asked if the process above described is permitted under the food and drugs act of June 30, 1906. It is not clear to the department that coating rice in this way protects it in any manner from dust. Evidence of an expert character is also on file in the department showing that unpolished rice is no more subject to the ravages of the weevil than the polished article.

It is the opinion of the department that no coating of any kind can be used in the manner indicated if the product "be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed." In each case whether or not such a result be secured is a question of fact to be decided by the evidence.

It is held by the department that rice treated in the manner indicated above with glucose and starch



should be labeled in all cases with the name of the extraneous substances, as

"COATED WITH GLUCOSE AND STARCH."

In such declarations all of the food substances used for coating should be mentioned. Any coloring matter or other substances that may be employed to change the tint of the rice should be declared on the label.

The question of the wholesomeness of paraffin, talc, or other non-food substances used is to be construed in such a way as to protect the health of those most susceptible to their influences. Rice is a diet often prescribed for those suffering from impaired digestion. The use of paraffin in such cases is at least of questionable propriety, and in the opinion of the department it should be excluded from food products. Under the fifth provision of foods, section 7, of the food and drugs act, June 30, 1906, and under Regulation 14 the use of talc is permitted, provided that each package be plainly labeled with the name of this preservative and the proper directions for removal be given.

JAMES WILSON,

Secretary of Agriculture.

Washington, D. C. April 15, 1907.

(F. I. D. 68.)

#### **LABELING OF FOOD AND DRUG PRODUCTS "MANUFACTURED FOR," "PREPARED FOR," "DISTRIBUTED BY," ETC.**

Numerous inquiries are received relative to the marking of products not manufactured by the party in whose name they are sold. The following are representative:

"We prepare products on the special prescription of the customer, shipping the same to him in barrels to be rebottled, labeled, and packed for the market. Many of our customers are asking how the law affects this business."

"Manufacturing chemists ship goods to us, made according to our formula; we bottle and label the goods. Should our name appear on the labels as manufacturers or distributors? All of our remedies are given a distinctive name."

"If we put up a cough remedy for John Smith & Co., would it be sufficient to label it 'Sold by,' or must it be labeled 'Prepared for John Smith & Co.'?"

"Will it be necessary to have appear on the label our name as the actual manufacturer of the product or will it only be necessary that the words 'Prepared only by' be cut of the label and instead the words 'Prepared for' be printed thereon, just before the name of the Blank Chemical Company? You will, we think, appreciate that, as the preparation is made over their private formula and for their account, we acting merely as the agent for this manufacturer, we should not care to have our name attached to it or to any other preparation of this kind put out by another concern and should be obliged to discontinue the business entirely should it be required that our name appear on the labels for this preparation."

"I would respectfully call your attention to the injustice the enforcement of Regulation 18 (a) of Circular 21 will be to manufacturers of plain unmixed food products like sweet corn or tomatoes. This regulation enables jobbers to demand that their names be placed on the labels to the exclusion of that of the manufacturer and to enforce their demand. The remedy is a simple one and seems to be wholly within the

intent of the law, viz., require that the name of manufacturer and place of manufacture be put upon every package offered for sale, and that it be held misbranded if this is not the conspicuous feature of all labels on all packages of food, whether plain, mixed, or compounded."

In considering the above inquiries it should be borne in mind that the law forbids all forms of misrepresentation. Food mixtures and compounds having "distinctive names" must in all cases bear the name of the place of manufacture. No drug products, whether simple, mixed, or compounded, with or without "distinctive names," are required to bear the name of the manufacturer or producer, or the place where manufactured or produced, except when sold under proper name brands, i. e., brands in which both the given name and the surname are used. All food and drug products sold under such proper name brands should bear the name of the manufacturer or producer and the place of manufacture or production. In all cases where the name of party or place is stated upon the label such name must be the true name of the actual manufacturer, producer, or packer and the true name of the place where the article was manufactured, produced, or packed.

If, for trade reasons, when not required by law, a name or a place be given upon the label of foods or drugs manufactured or packed for any person, firm, or corporation by another person, firm, or corporation, one of two forms of labels is allowed, viz.:

(a) The name of the actual manufacturer or packer and the place where the goods were actually manufactured or packed may be given, or

(b) The name of the person, firm, or corporation for whom the goods are manufactured or packed or by whom they are distributed may be given, if preceded by the words "Prepared for," "Manufactured for," "Distributed by," etc. The phrase "Sold by" is not satisfactory. The approved phrase shall be set in type not smaller than eight-point (brevier) caps.

This rule holds even if the formula or prescription be furnished or owned by the parties for whom the goods are manufactured or packed.

Foods and drugs repackaged within a state and sold only within that state are not subject to the federal law; but repackaged foods or drugs which enter interstate commerce or which are sold in the District of Columbia or in the territories are subject to the law and should be labeled in accordance with this decision.

JAMES WILSON,

Secretary of Agriculture.

Washington, D. C., April 18, 1907.

#### **QUESTIONS AND ANSWERS IN "THE BAKERS' HELPER."**

I bake a Vienna loaf with iron in it for people who need a tonic. They complain they do not get enough iron, nor get it quickly enough. What shall I do?—Fad.

Answer—How about using a shotgun?

Please tell me how to raise dough quickly without the use of yeast.—Klose.

Answer—Find a diamond mine.

In beating cakes, I find I lack strength and plenty of get-up. Can you recommend anything to give me lots of vim?

Answer—Just imagine the batter is your mother-in-law.



**STATEMENT OF STATE SENATOR JAMES D.  
PUTNAM OF THE JUDICIARY COMMITTEE  
OF THE ILLINOIS SENATE IN THE DIS-  
CUSSIONS ON THE ILLINOIS PURE  
FOOD BILL, CONCERNING THE  
AMENDMENT TO LEGALIZE  
BLENDS OF STRAIGHT  
WHISKY AND NEU-  
TRAL SPIRITS.**

Mr. Chairman, I desire to present to this committee, and ask to insert this amendment on page 11, line 45, after the words "flavoring only," the following, "*and as applied to alcoholic beverages, only those distilled spirits shall be regarded as 'like substances' which are distilled from the fermented mash of grain and are of the same alcoholic strength.*"

This is offered in the interest of one of the largest industries of this state, and from my own personal observation the purest product of its kind that is manufactured any place in the world, and to show the people of the country that we of Illinois take advanced ground on the products of this state when we know of their absolute purity, and that we look forward to the same action at Washington with regard to a ruling in the new National Food and Drugs Act.

This amendment permits the distillers of whisky at Peoria and other Illinois distillers to make blended whisky from "like substances," as has been the custom since they have been established, and as has been the custom for the past seven hundred years in England, Scotland and Ireland before whisky was made in this country.

As distilled spirits from grain are "like substances" the purpose of this amendment is to legalize what has always been the custom in order to make rectified, purified or refined whisky.

The major part of whisky made at Peoria is a rectified, purified, or refined whisky, and is a diluted ethyl alcohol, distilled from the fermented mash of grain, from which *most* of the secondary products or impurities, including fusel oil, congeneric with ethyl alcohol, have been removed.

Neutral spirits, which is also largely an Illinois product and made in Peoria, is dilute alcohol, distilled from the fermented mash of grain, from which *all, or nearly all*, of the secondary products or impurities, including fusel oil, congeneric with ethyl alcohol, have been removed, so that the percentage of such secondary products in such distilled spirits at proof, shall be less than one-hundredth of one per cent.

I might also add for the information of the committee that in 1906 the Internal Revenue District at Peoria collected into the United States treasury \$37,700,000, out of a total of \$125,000,000 paid for all distilled spirits, and as much as Kentucky, Ohio, Pennsylvania and Maryland combined.

This amendment does not shut out the manufacture or sale of any other kind of whisky in this state, or give any advantage over the product of any other state. It merely grants the same privilege that has always been the custom in Illinois in producing a better and *purcr* product of whisky than has ever been produced in any other state in the United States. Our product has been recognized the world over as the purest whisky ever put on the market, and in competition with other brands it has been pronounced by connoisseurs and experts as superior to almost all other brands.

**LAUDS CHICAGO MEATS.**

**Secretary Wilson Declares the Packing Plants to Be Sanitary Models.**

Washington, May 15.—"The meat packing industry in this country closely approaches perfection," said Secretary of Agriculture Wilson who has just returned from a tour of inspection of the abattoirs of the west in an interview with a representative of the Chicago Record-Herald.

"The establishments at Chicago, long famous for economic perfection, where the organization has been developed by years of experience until all friction has disappeared, stand out with equal prominence as models of the best developments in modern sanitary arrangements. I am satisfied that the confidence of the foreign buyers has been restored as to the purity and wholesomeness of the products of these great establishments. I know that large contracts are being received from abroad, and that all outward signs indicate that the foreigners are learning that the quality and purity of the meat and meat products purchased in the United States cannot be surpassed.

**PACKERS ARE CO-OPERATING.**

"The new meat inspection law having been in force long enough to produce results, I decided to ascertain for myself by personal inspection the exact situation," continued the secretary. "I went to Chicago to see just what had been done to comply with the law. We have about 2,000 people employed inspecting meats, and I wanted to see what they are doing. I met about 150 government superintendents, and from them received a detailed account of the condition of affairs under their control. Dr. Melvin, chief of the bureau of animal industry, and several scientists connected with that bureau were present to aid with expert knowledge.

"I found that millions of dollars have been expended in building new houses and in improving old ones. With scarcely an exception the packers have entered heartily into co-operation in the enforcement of the spirit as well as the letter of the law. With scarcely an exception the houses are in excellent condition.

**SHUT OUT INSANITARY PLANTS.**

"Within the last year inspection has been withdrawn from some houses which have not complied with the sanitary regulations issued under the new law. These houses were not getting into good condition. During my visit to Chicago I thought it expedient to withdraw the inspection service from another house or two. I can say that the establishments now receiving government inspection are in apple-pie condition and about perfect from a sanitary standpoint.

"You know that under the new law we have a man to follow each piece of meat from the time the animal is slaughtered until the finished product appears as dressed meat, sausage, canned meats or in any of the other forms. The stock yards arrangements are good. There can be no complaint of the manner in which the cattle are received and cared for. The block inspection, which is not new, but which is carefully enforced, assures the consumer that all meats which enter the packing establishments are wholesome, free from all disease and fit for human consumption.

"The sanitary rules and regulations now assure the consumer that in all stages of manufacture there is no contamination; that the handling of the meat is cleanly,



and that all proper sanitary precautions and arrangements are provided. The consumer who finds upon dressed and canned meats and meat products the government stamp can with impunity eat the food, knowing that what he buys is wholesome and clean."

### **FEDERAL FOOD LAW BOARD CREATED.**

Secretary of Agriculture Wilson on Thursday created by executive order the Board of Food and Drug Inspection, whose duty it shall be to administer the national pure food law. The board consists of Dr. Harvey W. Wiley, chief of the Bureau of Chemistry, chairman; Dr. Frederick L. Dunlap, just appointed associate chemist, and George R. McCabe, solicitor of the Department of Agriculture.

Secretary Wilson has found it practically impossible to take the required time to go into all the necessary details imposed by the administration of the pure food law. President Roosevelt was consulted and gave assent to the plan of putting the administration of the law in the hands of a board. The appointment of Dr. Dunlap is said to be the result of correspondence the President has had with presidents of the larger colleges of the country.

Dr. Dunlap leaves an important post in the University of Michigan. He will receive \$3,500 a year, the highest that can be paid under the law, and will devote his entire time to the administration of the pure food law. Solicitor McCabe, the legal authority of the Department, has had an important part in framing both the meat inspection and pure food regulations, and is regarded as a very valuable man.

The order of Secretary Wilson creating the new board follows:

"There is hereby created in the Department of Agriculture a board of Food and Drug Inspection. The members of the board will be: Dr. Harvey W. Wiley, chief of Bureau of Chemistry, chairman; Dr. Frederick L. Dunlap, associate chemist Bureau of Chemistry, and George P. McCabe, solicitor of the Department of Agriculture. The board will consider all questions arising in the enforcement of the Food and Drugs Act of June 30, 1906, upon which the decision of the Secretary of Agriculture is necessary, and will report its findings to the secretary for his consideration and decision. All correspondence involving interpretations of law and questions arising under the law, not heretofore passed upon by the Secretary of Agriculture, shall be considered by the board. The board is directed to hold frequent meetings at stated times, in order that findings may be reported promptly.

"In addition to the above duties the Board of Food and Drug Inspection shall conduct all hearings, based upon alleged violations of the Food and Drugs Act of June 30, 1906, as provided by regulation five of the rules and regulations for the enforcement of the Food and Drugs Act, approved October 17, 1906."

It is expected this board will greatly facilitate enforcement of the law.

Secretary Wilson said concerning the new organization: "It was absolutely necessary, if I was to give any attention to other duties of this department, that my work in this bureau, which has to do with the enforcement of the Pure Food Law, should be reduced. For two or three years I have wanted to go out and make a study of some of the large forest problems. I have the enforcement of the Meat Inspection Law under my charge; the general conduct of a big and

rapidly expanding department, and this Pure Food Law has been demanding too much of my time. So I have been compelled to create this board, which will give hearings, decide as to the scientific facts and as to the law, and present its conclusions to me. It is a matter merely of origin in this department, it affects only the pure food work and will not interfere with other work of the bureau. I asked the President to find me a high-class man of known scientific attainments and standing, and I am satisfied that he has picked the right one. There is every reason to believe the organization will expedite the execution of the Pure Food Law."

### **DR. WILEY AGAIN.**

In the last issue the Grocery World animadverted somewhat severely upon Dr. H. W. Wiley for interfering with the proposed state food law of Pennsylvania. The criticism was based upon a statement made by the Philadelphia North American that Dr. Wiley was opposing the act. Some persons have contended to the writer during the week that the Grocery World's remarks were unjust, being founded upon the simple statement of an irresponsible newspaper. These persons expressed doubt that Dr. Wiley was interfering in the state at all.

During the week the grocery World has secured further information on this subject, and now announces as a fact that within a few days Hon. Andrew Hitchcock, chairman of the Health and Sanitation committee of the Pennsylvania House, which is now considering the proposed bill, has received a personal letter from Dr. Wiley vigorously opposing the pending measure. At the present writing it is not known to what part of the bill Dr. Wiley objects, but his interference is unjustifiable no matter what his objections are. If he is objecting to those parts of the bill which may have some connection with interstate commerce, he is violating the ethics of his position, for all those features are modeled on the federal act, and Dr. Wiley should welcome rather than oppose harmony between them.

If on the contrary Dr. Wiley is objecting to those parts of the proposed act which concern the purely internal enforcement of the law, then his intrusion is highly impertinent, for on state matters his opinion is neither needed nor desired.

Dr. Wiley is giving an extremely convincing impersonation of a public nuisance.—Grocery World.

### **"JAVA" GEOGRAPHY LESSON.**

"The recent discussion of the Java coffee question has done one thing, at least," said a well-known coffee man. "It has educated a large part of the trade on the geography of the Dutch East Indies. I'm sure I had come to look on about a score of coffee ports as all on the island of Java, and I never questioned it till Dr. Wiley ruled that Java coffee must be grown in Java. Here is a small map gotten out by Edward Bleeker, a New York coffee importer, and showing where every East Indian coffee shipping port is. I find that about half of the supposed Java ports are on Sumatra and one or two are on Borneo and even the mainland. It showed good sense for the department to class them all as Java goods, because we had known them that way for years, but it's just as well to let a few of the dealers know more about the country they are dealing with. It was a revelation to me."



## ADVERTISING MISREPRESENTATION MUST STOP—SECRETARY WILSON SAYS.

"The serial number and the statement that the food or drug is 'Guaranteed under the Food and Drugs Act, June 30, 1906,' does not mean that the United States government guarantees the purity of the article or guarantees that it is what the label says it is. On the contrary, the statement means that the manufacturer of the article guarantees it to be pure, free from adulteration, and that he warrants every fact stated on the label to be true. It is the guaranty of the manufacturer, not the guaranty of the government. The department allows manufacturers to file a general guaranty, covering all their food or drug products. It then assigns a number to the guaranty and permits the manufacturer to print the number and the statement that the article is guaranteed, on the label of each package. The government assumes no responsibility for this guaranty. On the contrary, as a glance at the law will show, the serial number is assigned to fix the responsibility where it belongs—upon the manufacturer, and to protect innocent dealers who have a right under the law, to rely upon his guaranty. The law says, in effect, that no dealer shall be prosecuted for shipping adulterated or misbranded foods or drugs in interstate commerce or for selling them in the territories or in the District of Columbia when he can establish a guaranty to the effect that the food or drug is not adulterated or misbranded. This guaranty must be signed by the person from whom the dealer purchases the article. The intention of the law is to put the burden upon the man who knows what is in the product, who, is, of course, the man who makes it."

The department has been greatly annoyed by untruthful and misleading advertisements of certain manufacturers that the serial number is a guaranty by the government to the consumer that the product is pure.

"Such advertising as 'After January 1, 1907, the United States government will protect you by an official serial number that you may easily recognize,' statements that a food product is 'approved by the Pure Food Commissioners,' that another product 'carries the government approval under the Food and Drugs Act of June 30, 1906,' 'The United States government new Pure Food Law guarantees our product,' 'Every bottle is guaranteed by the United States government,' 'The United States government guaranty serial number — is your protection in using —,' and other statements of a similar character must be stopped, and be stopped at once, or I will do a little advertising myself in behalf of the people. I am growing tired of seeing these untruthful statements on the advertising pages of the magazines, the walls of the New York subway and the advertising space of the street cars of the principal cities. I am thinking, if this outrageous misrepresentation does not cease, that the department will publish a list bearing the names of the manufacturers who are indulging in this campaign of deception. In this list the department will state that it has not analyzed the products represented by the advertisements, and hence has no actual knowledge of their purity or impurity, but that it advises the consuming public to judge the purity or impurity of the product according to the false representations made concerning the guaranty. In other words,

manufacturers who will deceive the public about the guaranty will lie about the quality of their product.

"I want everybody to know that this pure food law is going to be administered fairly. The primary purpose of the law is, of course, to protect the consumer, but no honest manufacturer need fear that the department will take snap judgment on him or harass him in any way. Everybody will be given an opportunity to put his business within the law. The department is using every means to inform the manufacturers of the country just what the law requires. After this information has been supplied, and everybody has had opportunity to become familiar with the requirements, any manufacturer who continues to violate the law must expect vigorous prosecution."

## TUBERCULOSIS IN HERD OF FORMER DAIRY AND FOOD COMMISSIONER McCONNELL OF MINNESOTA.

### Need of Inspection for Tuberculosis.

The Pioneer Press of the 22d inst. gave an account of thirty-one cows out of a herd of 100 being condemned for tuberculosis, belonging to W. W. P. McConnell of Mankato, former state dairy and food commissioner, at present a member of the Minnesota live stock sanitary board, having last winter charge of the farmers' institute corps, and one of its ablest speakers, a recognized authority of this state on all dairy matters, an editor and proprietor of dairy papers.

When tuberculosis is found in the herd of a man so well informed on dairy and live stock matters and so interested in the dairy and live stock industry of the state, it indicates the prevalence of tuberculosis in Minnesota and the need of active measures to stamp it out. This shows that one thing our legislature overlooked was to pass some law compelling all cows to be tested for tuberculosis from which milk or cream is sold. This is a matter the public has not taken seriously enough. Public sentiment is needed for legislation to help stamp out this disease amongst cattle. The farmer and stock raiser will be compelled before five years are past to sell their cattle and hogs subject to inspection for tuberculosis; for the percentage of infected animals will be so large that no concern can buy live stock on an open market and slaughter same for profit with the present United States government rigid inspection; the loss would be too heavy.

This matter has some bearing at this time on the higher price of beef and pork. It already figures very heavy in the profit and loss account of the packers.

Pure milk and butter from tubercular tested cows would without a doubt command the highest prices in the Eastern markets, and would make our butter as famous as our pure foods.—F. A. Luhrs, in St. Paul Pioneer Press.

## PURE FOOD FOR VERMONT.

More than 1,000 samples of food, milk and liquors have been examined during the past month at the Vermont state laboratory. This is several hundred more than have been analyzed in the same period heretofore. An avalanche of samples of maple products is received from local health officers in all parts of the state for analysis under the new pure food law.



# THE AMERICAN FOOD JOURNAL



Published Monthly at 334 Dearborn Street, Chicago

By H. B. MEYERS & CO.

Telephone Harrison 2473

Subscription, \$1.00 Per Year Foreign Subscription, \$1.50

Address all communications and remittances and make drafts, checks and money orders payable to THE AMERICAN FOOD JOURNAL, 334 Dearborn Street, Chicago.

All reading and advertising matter to appear in THE AMERICAN FOOD JOURNAL must be received at this office on or before the 12th of the month.

COPYRIGHT, 1907, BY H. B. MEYERS.

## THE NEW CHICAGO HEALTH COMMISSIONER.

On the overturning of democracy and the election of Frederick A. Busse as mayor of Chicago an entirely new set of city officials were appointed. Dr. Whalen, the late health commissioner, while aggressive and popular with the medical fraternity, had not made the most of his opportunities. Recently a most prevalent, although not particularly virulent, epidemic of scarlet fever and diphtheria held the city in its grasp. Considerable criticism reflecting on the regulations of the health office was then offered. Dr. Whalen talked over much to the galleries, conducted his crusades in the daily papers and attempted to cast discredit on everybody's efforts in behalf of the people's health but his own. It was not surprising that almost the first act of Mayor-Elect Busse was to call a committee of eminent physicians to choose or at least name a choice of a new health commissioner for the city of Chicago.

The committee consisted of J. B. Murphy, R. B. Preble, W. L. Baum, W. E. Quine, F. W. Lambden, J. C. Delprat, A. C. Cotton, Samuel J. Walker, Henry B. Favill, E. J. Doering, C. H. McKenna, C. Pruyn Stringfield, Willis O. Nance, William T. Belfield, J. H. Walsh, John Dill Robertson, Charles Adams, A. C. Cowperthwaite, Frank W. Reilly, George W. Webster, Philip S. Doane, Malcolm L. Harris and L. D. Rogers, Frank Billings and A. D. Bevan.

Two meetings of this committee were held. The names of Dr. Evans, Dr. V. H. Podstata, Dr. Denslow Lewis, Dr. C. J. Whalen, Dr. Arthur R. Reynolds and Dr. Clyde Swank were presented for consideration. Finally Dr. W. A. Evans was unanimously chosen.

Dr. Evans is a comparatively young man. He was born in Marion, Alabama, in 1865. He was educated in the Mississippi Agricultural and Mechanical College, where he earned the degree of M. S. His M. D. degree was conferred by the Pulane University. He came to Chicago to become a professor in a medical college and has held chairs in several of our larger institutions including the University of Illinois. Dr. Evans enjoys a large practice, and is one of the consulting staff of the Alexian Brothers' Hospital, and of the Woman's Hospital. For ten years he has been a member of the Cook County medical staff. When the sensational attack upon the Chicago packing houses was made by two sociologists aided by the government

Dr. Evans was one of five specialists engaged to make a thorough and scientific examination of the yards and report their findings to the public.

The new Health Commissioner will have plenty to do. The American Food Journal wishes him success as Health Commissioner of Chicago, and believes that his attainments and his temperament qualify him for looking after this most important office in the city government.

## THE NEW ILLINOIS PURE FOOD LAW.

On April 24, 1899, Governor John R. Tanner signed the first Illinois Pure Food Law. On June 14, 1907, Governor Chas. S. Deneen affixed his signature to the second Illinois Pure Food Law, but only after a stormy passage through the House and Senate and after a bitter battle between conflicting interests.

The first Illinois Pure Food law was a good measure, built on correct principles. It was chiefly pushed by representatives of the dairy industry who demanded protection against oleomargarine. It provided for inspection and analysis of food and the prosecution of offenders. Over 15,000 samples of food were inspected and analyzed and a large number of convictions obtained under this law.

Nevertheless the law was defective in several details and either intentional or unintentional errors made the law difficult of enforcement. Perhaps the most serious flaw was the failure to repeal Section 6 of the Act "to prevent and punish the adulteration of articles of food, drink and medicine and the sale thereof when adulterated." This section read as follows: "No person shall be convicted under any of the foregoing sections of this act if he shows to the satisfaction of the court or jury that he did not know that he was violating any of the provisions of this act and that he could not with reasonable diligence have obtained the knowledge." It was the obvious intention to repeal this section, but instead of naming Section 6 of the act intended, the law repealed Section 6 of "an act to prevent the adulteration of butter and cheese, etc," an act which was passed and approved on the same day. This act contains but two sections, consequently there is no Section 6 and the appeal is meaningless.

This weakness compelled the Food Commissioner to prove guilty knowledge of adulteration in case the defect was noticed by the defendant's attorney and was sufficient to destroy the effectiveness of the act. Other defects, such as fines and penalties which could not be sued for in the lower courts, counted against the value of the bill.

As these imperfections became manifest the Food Commissioner asked the legislature to correct them and to give him a better food law. With the advice of skilled counsel a new bill was drawn stopping up the leaks and flaws of the old law. Each time it was presented to the legislature it met with a cold reception. At last it passed the House but died in committee in the Senate. Then came the National Food Law to awaken the people into the importance of legislation in the interest of pure food and drugs. In almost every state in the Union this year new legislation pertaining to food was passed even in such states as Minnesota and North Dakota which already have most stringent food regulations. It was a foregone conclusion that a food bill would fare better in Illinois this year than heretofore. Then there was the cry of people desiring little restrictions in the sale of food to have the State Food



Law conform to the National Law. A new bill was presented to the 45th Assembly containing many of the valuable features of the revised draft of the old law and features to make it conform somewhat with the National Law. While in many respects an excellent bill the American Food Journal could not endorse many sections of it such as many of the standards incorporated in the bill; making the U. S. Dispensatory and Pharmacopœia accepted authorities on food, and classifying common salt as an injurious substance, etc. Nor could we look favorably upon several sins of omission as the leaving out of paraffin and sulphite in the lists of prohibited substances in candy, and the omission of several sections of the old law, one prohibiting impure ice, and another requiring the proper labeling of soaked and bleached canned goods.

The Committee on Manufacturers to whom the bill was referred remodeled the bill on lines suggested by this Journal, incorporating also some suggestions by the Food Commissioner, the Elgin Board of Trade, Speaker Shurtliff and the Retail Grocers' Association, refusing, however, to concur in striking out the section requiring the branding of process butter as was advocated by Dairy Expert Schueknecht, and which met with the passive acquiescence at least of the other members of the food commission. The salaries asked for were also substantially decreased.

When the bill was presented in the House of Representatives an entirely new bill was substituted therefor, retaining, however, all the valuable features of the committee bill.

After coming from the Appropriation Committee, who cut into the appropriations somewhat, the Republicans made the mistake of calling the bill up Friday evening when many of the Republican majority had left for their homes. The Democrats finding themselves in the saddle had all sorts of fun with the bill. They put back in the bill all the objectionable clauses in the first draft prepared by the food department and which the officials had concluded they didn't want a little bit. Even the Pharmacopœia and Dispensatory were again introduced as authority on foods. So the bill went to the Senate, where it was sent to the Judiciary Committee, Senator John Humphrey, chairman. Senator Humphrey has never been particularly friendly with the food department since in the organization of the first commission a man from his own district was appointed on the commission without his O. K. For six years a favorite way of killing a food bill has been to refer it to Senator Humphrey's committee and he would do the rest.

Friends of pure food were afraid he would bury this bill as he had its predecessors, particularly as the end of the session was close at hand. But they were agreeably disappointed in him as he worked hard to secure a good bill and is entitled to the thanks of the community, and what might perhaps please him more, a piece of the political patronage under the new law.

But the Senate committee had a difficult job. The Democrats had so mutilated the bill that its own mother would not have recognized it. The Food Commission might have recognized certain portions of it but did not want to. It was unavoidable that in the rush of the last days a few of the original errors, reintroduced by the Democrats, should have escaped detection, particularly as some of them were of a technical nature. The maple sugar ash standard of .65 per cent maple ash in water free substance will drive from the

state the purest genuine maple sugar as we announced in our January issue.

Standards on honey should have read standards on extracted honey. No good reason can be given for lowering the standard of cider vinegar.

However, most of the objectionable standards were eliminated and the U. S. Pharmacopœia and Dispensatory taken from their pedestal as authority on foods. Nor will the Bible or Blackstone be substituted therefor.

As finally enacted and signed by the Governor, the bill gives increased appropriation, increased force and increased salaries to the Food Commission. It provides for double the inspectors and three times the chemists provided for by the original bill, also additional office force and an attorney.

It provides for stringent definitions of adulteration and of misrepresentation of food, confectionery and liquors and of substances entering into the composition of food. It has special provisions regulating the marketing of extracts, vinegar, baking powder, milk, lard, lard substitutes, process butter and oleomargarine. A standard commission is provided to fix standards for food sold in Illinois and the Commissioner is given power to make rulings under the law.

The act itself incorporates standards for milk, cream, maple sugar, honey, cloves, black pepper, lemon extract, orange extract, vanilla extract, olive oil and vinegars.

In the general definitions of misbranding mixtures of cane syrup are allowed in food provided the maximum percentage thereof is stated on the label. The definition of the term blend, as given in this law and the National Law, is amplified by stating that as applied to alcoholic beverages only those distilled spirits shall be regarded as "like substances," which are distilled from the fermented mash of grain and are of the same alcoholic strength, thus legalizing without question a blend of straight whisky and neutral spirits.

The retail dealers succeeding in incorporating the guarantee clause in the bill. If this is found to be constitutional no great harm can come from it and it will boost Illinois wholesalers in Illinois markets. If other states pursue the same tactics it will make trading in food largely a local or state affair. If the clause is declared unconstitutional it may imperil the entire bill.

Altogether the people are to be congratulated in securing so good a law. Most of the improvements in the bill were secured in the face of newspaper criticism based on ignorance of the actual meaning of the amendments and on misleading information furnished by one of the members of the Food Commission staff. In general, Food Commissioner Jones and Dr. Bryan worked harmoniously with those having the bill in charge in the House and Senate and with the American Food Journal in securing a law which is a credit to the state of Illinois.

In a recent issue we announced the enforced retirement of several inspectors from the Minnesota Food Commission, and in the same notice the fact that they were later reappointed. As the latter part of the paragraph was separated from the first part by the compositor, and as some of the initials were wrong, we make the following correction. The inspectors let out were: Joel G. Winkjer, F. Graham, J. G. Fowler and F. Schrewsberry. All but the last named were reappointed. The reason was, as given, lack of funds.



### ABUSE OF THE NATIONAL FOOD LAW.

Hon. James Wilson's ire is aroused over attempts of certain manufacturers to make advertising capital out of the National Food and Drugs Act and the guarantee number. The scamps and tricksters who resort to this species of misrepresentation must have a very thick hide not to feel the prick of his trenchant tongue. Moreover his threat to institute prosecutions against obstreperous offenders will likely bring compliance to his demand where words are ineffectual, particularly as the Secretary of Agriculture has the reputation of putting his words into actions.

Like misrepresentation in every line the worst foods are the ones most lied about. Pure foods sell by reputation; inferior foods by misrepresentation. Verbal misrepresentation at the time of sale has been largely controlled by state food laws. Misrepresentation on the label has been suppressed by state and national food laws. Advertising misrepresentation is now the only field left to the unprincipled manufacturer. The billboards and the city press supply his wants in this line.

In all conspicuous places are to be seen displays of So and So's "Bottled in Bond" whisky with Uncle Sam dressed in the bluest of livery endorsing the product. The manufacturer of another notorious brand of booze varies the theme by substituting Theodore Roosevelt for Uncle Sam, and has a picture of the President of the United States signing his name to a paper which purports to be an endorsement and guarantee of purity of their whisky. Another obstructs an acre of lovely landscape in claiming a government guarantee of purity on a canvas covered with stars to imitate as nearly as the distillers dare the starry emblem of liberty—the national flag. In the same manner the American eagle, the escutcheon, and the Constitution of the United States do advertising duty.

Other products besides these varieties of whisky, which, by the way, are admittedly the most injurious, claim the government guarantee, President Roosevelt's endorsement, and Dr. Wiley's approval, but none quite so unblushingly.

The bill posting service by no means gets all this fraudulent advertising.

The Chicago Tribune, a publication relied on for years to market adulterated foods, since the expose in The American Food Journal, has been comparatively free of this class of misleading advertising, and now contents itself by devoting several pages of each Sunday issue to inveigling the public into fake mining schemes which the Chicago Post and Chicago Daily News justly condemn. In the same issues the News publishes, as it has continually for two years, a quarter page advertisement of K. C. baking powder.

K. C. baking powder is possibly a good baking powder of its class. Repeated analyses by the Illinois Food Commission show it to be an alum powder and not labeled in conformity to the ruling of the State Food Commissioner. It is equally unsalable under the same label in almost every state in the Union having food laws. In some states it would be prohibited under any label.

Yet in the last year it is freely advertised in the Chicago Daily News as of guaranteed purity under the National Food and Drugs Act and as endorsed by the United States government.

As a matter of fact it is extremely doubtful whether

the National Food and Drugs Act applies to baking powder at all, as the alum baking powder people succeeded in preventing the introduction of the clause "or any substance entering into the composition of food," in that section of the act defining the scope of the law, and without that clause, in the opinion of the best legal talent, the National Food Law cannot apply to such substances as baking powder, yeast, cream of tartar, salt, etc. This clause, however, is to be found in almost all state food laws. But if baking powder were included in the National Food Law and if alum powders were declared wholesome, still it would be presumptuous in them to claim a government guarantee of purity. The same is true of any food, good or bad, as Secretary Wilson so plainly points out, but the height of such presumptuousness is reached when such substances as baking powders containing alum and whiskies charged with fusel oil are boldly proclaimed as endorsed by the United States government.

### THE WORLD'S PURE FOOD SHOW.

The first allotment of space for exhibits in the World's Pure Food Show to be held at the Coliseum, Chicago, November 19 to 25, 1907, will be made this month. The exposition has aroused great interest among manufacturers and packers of foods and food products throughout the entire country and Managing Director Thos. T. Hoyne has already received hundreds of letters not only from firms in this country, but from foreign manufacturers inquiring for space, applications, diagrams and information concerning the exposition.

All of the awards which will be granted will be conferred under the direct supervision on the various commissions which are honorary bodies.

In laying out the floor space for exhibitors the management has devoted more area to aisles than has been given up for this purpose in any previous show held at the Coliseum. A promenade fifteen feet wide, "The Promenade of All Nations," runs completely around the big building. The effect is to equalize the value of space in every section of the floor plan. There is no one particularly valuable spot. Every exhibitor is sure to have his exhibit seen and studied by every spectator.

It is expected fully 200,000 out of town visitors will be in Chicago during the week of the show.

President Roosevelt has been invited to open the exposition and attend the pure food banquet, which will be held the opening night at which will be present city and national officials, foreign consuls, the commissions and exhibitors.

### CHEMIST OF CHICAGO GOVERNMENT LABORATORY SELECTED.

A. L. Winton has been appointed chief of the Chicago Government Laboratory. Prof. Winton has been a professor in Yale University for 23 years and was chemist for the Connecticut Experiment Station, where he handled the analytical work for the Connecticut Dairy and Food Commission. Prof. Winton is a recognized authority on methods for the analysis of food and was a member of the Food Standards Committee of the National Association of State Dairy and Food Departments. A better man for the position could not have been selected.



**"NEW HANDS ON THE LEVER."**

It is announced that Secretary Wilson has turned over to a board of three (3) members the routine work connected with the enforcement of the Food and Drugs Act. It is unfortunate that the work of the Agricultural Department has grown to be so big that the secretary cannot give every branch of it his personal attention.

Under his direction and guidance the Department of Agriculture has grown to be the most important branch of government service. Several thousand scientists are daily engaged in working out problems connected with the production and utilization of farm products. Not content to endeavor to render available every acre of land in our vast domain; not content to increase the yield and quality of our native crops; not content to fight the pests which prey upon our plants, and disease which destroys our domestic animals; not content to bring to maximum efficiency every branch of farming already rooted in this country, he has even scoured the wide world for new and valuable plants. He has introduced economic plants, trees and shrubs from every quarter of the globe. He would cheat the Chinese out of their trade in tea and make us independent of Arabia and the East Indies for our coffee. Every expense of Uncle Sam for natural products is scrutinized and if possible the product is cultivated in our own soil. Even medicinal plants are not neglected and hundreds of herbs of foreign origin are now grown in our own gardens.

All this is but a suggestion of what the United States Department of Agriculture has accomplished since James Wilson was called to its head. It hardly gives an adequate idea of the various lines of work he is called upon to lead and direct.

The Meat Inspection Act was thrust upon his already over-burdened shoulders, but he was equal to the occasion and in an incredibly short time had the administration work planned, the government regulations issued, and an army of inspectors placed in the field to see that the law was enforced, and foreign and domestic trade regained the confidence it had lost.

Then came the Food and Drugs Act. Before him was the obstacles of a weak law, of the natural reaction due to the discovery of the gross exaggeration and great misrepresentation used to secure its passage, of a scientific department incapable of seeing more than a molecule and utterly inexperienced in food control work, handicapped by personal grudges, loose, reckless and sometimes untruthful utterances, as well as an unnatural lust for power. With all these obstacles to contend with, Secretary Wilson has been administering the food law with less friction than any other law, unless it be the Meat Inspection Act.

The people and the legitimate trade felt that back of the administration was an unbiased, fair-minded man, who was possessed of that rarest sense—common sense. We do not know how much responsibility Secretary Wilson intends to place upon his new board. Again we say, it is to be regretted that his time and his duties do not permit his direct participation in all questions which arise under the act. Yet one man cannot do all the world's work, and Secretary Wilson, in the direction of the vast work of the Agricultural Department, which department, in its present development, it is hardly too much to say he created, has almost reached the limit of human activity.

**ILLINOIS PROSECUTIONS.**

On April 25, 1907, the cases pending in Judge Scovell's court for violations of the law relating to process butter and the law relating to keeping and selling colored oleomargarine were all disposed of with the following results:

In the cases relating to process butter in an uncovered tub, the following defendants were each fined \$25 and the cost of prosecution:

Court Number.

30,004—George Rasmussen. Fined \$25 and costs.

30,006—George A., William F. and Frank W. Dreiffen. Nolle as to George A. and Frank W., and W. F. pleads guilty. Fined \$25 and costs.

30,015—Edmund Edbar. Trial by jury. Verdict, guilty. Motion for new trial; motion withdrawn. Defendant fined \$25 and costs.

30,019—Joseph Baskind and Gabriel Baskind. Plea of guilty. Fined \$25 and costs.

30,020—Harry Rasmussen. Plea of guilty. Fined \$25 and costs.

The following cases were prosecuted for keeping oleomargarine for sale that was colored in imitation of dairy butter:

30,002—H. H. Davidson. Plea of guilty. Fined \$50 and costs, and motion by defendant to vacate judgment.

30,003—Emil I. Uber. Same as last above.

30,008—Charles Larson, Andrew Granarth. Granarth pleads guilty. Order same as last above.

30,009—Gerhard Berg, Thorwald Oxnevad. Nolle Oxnevad. Berg pleads guilty. Fined \$50, and defendant moves to vacate judgment.

30,011—K. K. Brimmie. Plea of guilty. Defendant fined \$50. Moves to vacate judgment.

30,016—A. Boynton. Same as last above.

30,018—Charles J. Murphy. Same as last above.

30,021—Frank Krizensky. Same as last above.

30,023—Thomas Curran. Same as last above.

30,024—William J. Anderson. Same as last above.

30,025—W. F. Anderson, Gus Bramberg. Nolle as to Bramberg. Anderson pleads guilty. Fined \$50 and costs and enters motion to vacate judgment.

30,026—C. F. Craft. Plea of guilty. Defendant fined \$50 and costs, and moves to vacate judgment.

30,027—J. O'Hallaran. Defendant pleads guilty. Fined \$50 and costs of prosecution, and enters motion to vacate judgment.

30,028—E. L. Harris. Same as last above.

30,029—Joe Chakowsky. Defendant pleads guilty. Fined \$50 and costs.

30,031—Mrs. L. Moore. Defendant pleads guilty. Fined \$50 and costs, and enters motion to vacate judgment.

30,032—Geo. H. Sorg. Defendant pleads guilty. Fined \$50. Enters motion to vacate judgment.

30,033—Lewis Moris. Same as last above.

30,034—Jno. Demetraskakes. Same as last above.

30,035—Jno. R. Rooney. Same as last above.

30,036—Chas. J. Nelson. Same as last above.

30,037—Margaret Tacknan. Same as last above.

30,038—Emil Johnson. Same as last above.

30,039—F. S. Goll. Same as last above.

30,040—H. A. Peterson. Same as last above.

30,010—Nels Jansen. Trial by jury. Verdict, guilty. Defendant moves for new trial; motion overruled. Motion in arrest of judgment; motion overruled. Defendant fined \$50 and costs of prosecution.



(This case is to be taken to the Supreme Court to test the law as to whether or not it is constitutional, and the other cases above mentioned as to violation of the oleomargarine law, where the defendant have pleaded guilty, been fined, and entered motions to vacate judgment, are based on this case, and the motion is for the reason that the law is unconstitutional, and if the Supreme Court so holds in this case the motions will be urged, and if not they will be abandoned.)

## CIRCULAR FROM IOWA DAIRY AND FOOD COMMISSIONER.

With Latest Changes in Food Law and Rulings.

### AMENDED SECTIONS OF THE FOOD LAW.

Des Moines, Iowa, April 5, 1907.

Dear Sir: I am sending herewith copy of the parts of the food law that have been amended by this session of the legislature. The portions printed in italics are changes or additions to the law and they become effective July 4, 1907. However, labels made to comply with the amended law will be accepted from this date on and are of course required July 4th next and after. The new laws make no provision for sale of goods on hand July 4th next and it is urged that manufacturers get their goods labeled in accordance with the new provisions as promptly as possible. A full text of the law as amended will be sent you in a few weeks.

Respectfully,

H. R. WRIGHT,  
Commissioner.

Sec. 7. The word "Commissioner," whenever used in this act, shall be taken to mean the State Food and Dairy Commissioner herein provided for. The word "food," as herein used, shall include all articles used for food, drink, confectionery or condiment, by man or domestic animals, whether simple, mixed or compound. *"The term 'Misbranded' as used herein shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food product which is falsely branded as to the state, territory, or country in which it is manufactured or produced, or which bears any statement of the weight or measure unless the same be a correct statement of the net weight or measure of the contents."*

Sec. 8. For the purpose of this act, an article of food shall be deemed to be adulterated:

Fourth. If it be an imitation of, or offered for sale, under the specific name of another article, *or if it does not conform to the standards established by law.*

Eighth. Provided, that an article of food which does not contain any added poisonous or deleterious ingredient shall not be deemed to be adulterated in the following cases:

1. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food and under their own distinctive names and not included in definition fourth of this section; provided, that candies and chocolates shall be deemed to be adulterated if they contain terra alba, barytes, talc, chrome yellow, or other mineral substances, or poisonous colors or flavors, or other ingredients deleterious or detrimental to health; *provided, that vine-*

*gar shall be deemed to be adulterated if it contains any added coloring matter;* provided, that in case of baking powders, each can or package shall be plainly labeled so as to show the name of each and every ingredient contained therein.

2. In the case of articles labeled, branded or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations or blends, provided that the same shall be labeled, branded or tagged, so as to show the exact character and *the name and quantity or proportion of each constituent* thereof; and provided further, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome ingredient to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or imitation.

Sec. 9. *Labels required by this act shall be distinctly printed in the English language in legible type no smaller than eight point heavy gothic caps and shall give, in continuous list with no intervening printed or descriptive matter, the true and correct names of all the constituents of such mixture, compound, combination, imitation or blend, and if artificially colored or preserved, the name of each and every such added substance be plainly stated on the label. Such label shall be placed upon the outside of the package and shall contain the name and address of the manufacturer, packer or dealer. There shall be such a contrast between the color of the label and the color of the ink used in printing the label as heretofore provided, that the label shall be easily and plainly legible.*

Sec. 14. All goods purchased or received by either wholesale or retail dealers of this state prior to July first, nineteen hundred and six (1906), shall be exempt from the provisions of this act to July first, nineteen hundred and seven (1907), *except that canned corn so purchased or received shall be exempt from the provisions of this act to January first, nineteen hundred and eight (1908).*

Sec. 18. *For the purposes of this act the following standards are hereby established.*

(The national standards on extracts and vinegars are established, except vanilla extract, quoted below.)

23. *Vanilla extract is the flavoring extract prepared from vanilla bean, with or without sugar or glycerin, and contains in one hundred cubic centimeters the soluble matters from not less than ten grams of the vanilla bean, and contains not less than thirty per cent by volume of absolute ethyl alcohol.*

#### Standard for Ice Creams.

"Section 4990 of the dairy law defines cream as having at least 15 per cent butter fat. This department holds that a frozen product made from standard cream, sweetened and flavored may be properly sold under the name of 'Ice Cream.'

"A similar product, made from milk and other wholesome ingredients, may be properly sold under a name not deceptive as to its character, but cannot be properly designated as an ice cream.

"This department will not interfere with the sale of ice cream and similar products containing not more than 1 per cent of gelatin.

"Such terms as vanilla, strawberry, etc., prefixed to



the words ice cream, are held to represent the flavors rather than the ingredients.

"No labels are necessary on pure goods.

"No label can legalize the sale of an article containing deleterious ingredients.

"The names under which articles are sold must be truthful and such as will not misrepresent the character of the article or the ingredients of which it is composed."

#### **MINNESOTA ICE CREAM STANDARD.**

E. K. Slater, state dairy and food commissioner Minnesota, has issued a circular on ice cream, as follows:

"The attention of manufacturers of and dealers in ice cream is called to the state law regulating the manufacture and sale of this product. The provisions of the law are, in effect, as follows:

"First—Only pure ingredients may be used.

"Second—Coloring matter is prohibited, except that vegetable colors may be used in other than vanilla ice cream.

"Third—Wholesome ingredients, such as gelatin, etc., are not prohibited.

"Fourth—All ice cream must contain not less than 12 per cent butter fat by weight.

"The law is now in effect and will be rigidly enforced."

#### **THE EVIL THAT MEN DO LIVE AFTER THEM**

Consul Moe of Dublin, Ireland, writes that canned products have had a very fair market in Ireland, fruits and gherkins and vegetable and other preparations commanding a steady sale, but latterly a revulsion of taste has set in and canned meats especially are in disfavor, particularly those from the United States. In the recovery of the Irish markets it is utterly useless for American packing firms to send expensive catalogues and literature setting forth the beauty of can or bottle labels. The people are now concerned with what is inside and the character of the packing establishment from which such goods emanate. Confidence will have to be restored in Ireland in canned-meat products and the public educated to the belief that American meats are wholesome and cleanly. So hostile has been the attitude toward American canned products that even canned fruits, preserves, and pickles are suffering so that in reviving trade it will be necessary to start from the ground floor. The first company to prove its title as doing an honest, cleanly business will secure an enormous trade.

#### **JAPANESE MENTHOL.**

Japan produces a large proportion of the menthol and peppermint oil in use, the United States being the principal competitor. The 1907 crop of Japanese menthol and peppermint oil is estimated at between 85,000 and 125,000 kins each, a kin being approximately 1 1-3 pounds. Peppermint oil will yield about 50 per cent menthol.

#### **COUNTRY SLAUGHTER HOUSES.**

##### **Showing by Inspection The Unsanitary Condition of Indiana Abattoirs.**

In the autumn of 1906 the State Board of Health had inspections made of the slaughter houses of Indiana. In summing up the reports, some very startling facts were discovered. Only 7 per cent of the slaughter houses of the state are sanitary. The sanitary conditions called for in the Pure Food Law, approved March 4, 1907, were taken as the standard. On this point the said law is as follows:

"Unsanitary conditions shall be deemed to exist wherever and whenever any one or more of the following conditions appear or are found, to-wit: If the slaughter house is dilapidated and in a state of decay; if the floors or side walls are soaked with decaying blood or other animal matter; if efficient fly screens are not provided; if the drainage of the slaughter house or slaughter house yard is not efficient; if maggots or filthy pools or hog wallows exist in the slaughter house yard or under the slaughter house; if the water supply used in connection with the cleansing or preparing is not pure and unpolluted; if hogs are kept in the slaughter house yard or fed therein on animal offal, or if the odors of putrefication plainly exist therein; if carcasses or parts of carcasses are transported from place to place when not covered with clean white cloths, or if kept in unclean, bad smelling refrigerators, or if kept in unclean or bad smelling cold storage rooms."

At numerous slaughter houses which were inspected foul, nauseating odors filled the air for yards around; swarms of flies of all varieties filled the air and covered the carcasses which hung up to cool; beneath these houses was a thin mud made by a mixture of blood with earth, churned by hogs; maggots frequently existed in numbers so great as to cause a visible movement of the mud; water for washing the meat was frequently drawn from dug wells which received the seepage of the slaughter house yard, or, the water was taken from adjoining streams to which the hogs and other animals had access; dilapidated buildings were the usual thing and usually most repulsive surroundings existed. The quotation from the law given above wherein unsanitary conditions are defined must now be followed by other quotations telling what shall be done for abatement. In regard to this, the law says:

"It shall be the duty of all peace and health officers to seize any animal carcass or parts of carcasses, or any domestic or wild fowl, eggs, game or fish found to be unwholesome and which are intended for sale, or offered for sale, for human food, or which have been slaughtered and prepared, handled or kept under unsanitary conditions as herein defined, and shall deliver the same forthwith to and before the nearest police judge or justice of the peace, together with all information obtained, and said police judge or said justice of the peace shall issue warrants of arrest for all persons believed to have violated the provisions of this section, and said cause shall be tried at an early date thereafter. Any person, persons, firm or corporation found guilty of violating any of the provisions of this section shall be fined not less than ten nor more than one hundred dollars for each offense, and the meat in question shall be drenched with kero-



sene oil or rendered into grease and tankage, as the court may direct."

The State Board of Health desires to inform the people that so far as its funds will permit, this law will be enforced. The board only regrets that it is not provided with sufficient pecuniary strength to cover the whole state. On account of these limitations, only a portion of the people can be protected. That it would be far more profitable to protect all of the people than to protect only a portion is apparent, and it remains with the people to say whether or not the next general assembly shall provide for the enforcement of the law throughout the entire state.

The Pure Food Law has an importance related to the pocket and also to the public health which can hardly be exaggerated. However, it is true, important as the Pure Food Law is, yet, the Health Law which has for its object the prevention of disease, is far more important. The Pure Food Law applies to the protection of the public health only in a slight degree. Its protection applies largely to the pocket, for heretofore vast sums of money, not less than five million dollars annually, have been spent by the people of Indiana for adulterated foods and drugs. The immortal Pasteur has said: "It is within the power of man to drive all infectious diseases from the earth," and this is true. The infectious diseases which can thus be driven from our midst are consumption, pneumonia, influenza, diphtheria, scarlet fever typhoid fever, dysentery, diarrhoeal diseases. We suffer enormously from these maladies, and it certainly is cheerful news that science has discovered that it is within our power to extinguish them. The State Board of Health earnestly wishes the people to become possessed of this knowledge by their power, and not only to permit, but to demand of the health authorities that the infectious diseases be banished. It is obvious the health department cannot be victorious in the fight unless it has the complete and hearty co-operation of the public. At the present time the efforts of the health authorities are very frequently blocked by selfish pecuniary interests. Of course it will cost money to extinguish disease just as it costs money to extinguish a fire, but the value of the work is far beyond the cost, just as it is in the case of the fire.—March Bulletin Indiana Board of Health.

#### What He Liked.

A traveler in China tells the following story, according to Life. He confesses a weakness for ginger ale. Somewhere in the Flowery Kingdom he felt his thirst beyond his power to control, so going into a prosperous store where foreign goods were much in evidence, he asked for his particular drink. Mr. John Chinaman replied by asking:

"You likee ginger ale?"

"Yes, very much."

"You very muchee likee ginger ale?"

"Yes, very much."

"What kind you likee?"

"Imported ginger ale."

"Oh, you likee imported ginger ale. Allee samee Watson's ginger ale from Manila?"

"Yes, Watson's ginger ale I like very much."

"You likee Watson's ginger ale?"

"Yes, give me a glass quick."

"No have got."

#### MANUFACTURERS COMPELLED TO PAY BACK RETAILERS' FOOD FINE.

The Pennsylvania court has decided a most interesting and important point affecting the rights of a retail grocer against a manufacturer who has sold him a food product under a guarantee of purity, the product being afterward found to be adulterated and the grocer being compelled to pay a fine and costs. The court decides that in such a case the dealer may deduct the amount of the fine he has paid from any moneys owing the manufacturer.

The case in which this point was decided occurred in Clearfield county, and was that of Dannenhauer vs. Woods. The plaintiff sued the defendant for an unpaid bill amounting to \$92.76. The defendant, a retail grocer, admitted that the money was due, but claimed that he had a right to deduct from it \$61.89. It appeared that the plaintiff had sold the defendant some "Newport" catsup under a guarantee of purity. The Food Department found the goods to be impure and arrested Woods, who paid a fine and costs amounting to \$61.89. Mr. Woods claimed that as Dannenhauer's breach of contract was the cause of his being fined, Dannenhauer should pay the fine.

The court's decision in the case was exceedingly interesting, and since it may be useful in other grocers' experience, is in part reproduced:

At the trial of this case there was only one disputed question of fact, and the other questions raised were entirely questions of law. In view of this we submitted to the jury this question of fact, which was as to whether there was a guarantee by plaintiffs to the defendants of the Newport brand of catsup. The jury found this question in favor of the defendants, that is, that there was such a guarantee, and further found that the goods were impure in fact, which latter question was not, however, disputed by any evidence.

Plaintiff's counsel contends, first, that the evidence of the alleged guarantee was not sufficient to submit to the jury. With this contention we cannot agree. One of the defendants testified positively that Mr. Dannenhauer, himself, guaranteed the goods purchased, which included the catsup, and to protect defendants in the pure food law. We have then established, first, that there was a contract of guarantee, and, second, that the catsup was in fact impure, and, third, that the defendants were obliged to pay \$61.89 as fine and costs to the Pure Food Department by reason of the impurity of the catsup.

The plaintiffs' counsel further contends that by the payment by defendants of this fine and costs they were guilty of contributory negligence in so doing without a contest, and without notice to the plaintiffs, for which reason the same cannot be used by them as a set-off against the claim of the plaintiffs. The proof on the part of the defendants, which was undisputed by the plaintiffs, to the effect that the catsup was in fact impure, to our mind, is evidence that neither delay nor notice would have availed the plaintiffs in this case. Without proof of the impurity in fact, defendants, of course, could not have used the set-off. With that proof of impurity, which plaintiffs had a right to contest and dispute, if it was not a fact, we are unable to see how there was any default or negligence on the part of the defendants which would defeat their right to set up the amount paid as a set-off against any part of the bill, if the guarantee was in fact made, as has been established by the jury.

As we look at this case, the principal legal questions



involved are those which are raised by the fourth and fifth points of counsel for plaintiffs in his argument, namely: "Fourth. Defendants' claim of set-off, being for a penalty, cannot be allowed in this action." It is undoubtedly the law that in an action of *assumpsit* a set-off that is purely penal in its nature cannot be permitted—*Barnet vs. National Bank*, 8 Otto, 555; *Lebanon National Bank vs. Karmany*, 98 Pa. 65. The question then arises, is the set-off claimed in this case a penalty in the sense meant by the decisions in the above cases. We are inclined to think they are not. As between the plaintiffs in this case and the defendants in this case this penalty is in the nature of liquidated damages for breach of contract. It was a penalty as between the Commonwealth of Pennsylvania and either the plaintiffs or the defendants, whichever should be made the subject of the proceeding for selling impure goods. The verdict of the jury in this case has established the fact that the plaintiffs did guarantee to the defendants that this catsup would stand the test of the pure food laws, when it in fact did not stand the test, and the defendants were obliged to pay \$61.89 by reason of the impurity of the catsup, whereby a breach of contract of guarantee was established. This was the very thing the defendants were to be protected against. The measure of damages suffered by them by reason of this breach is defined and easily ascertained by the amount paid to the Pure Food Department. As between plaintiffs, therefore, and defendants in this case, it was not a penalty, but the measure of damages for breach of contract, and such damages are always the subject of set-off under our defalcation statute and the decisions thereunder.

Plaintiffs contend further in this case that the bill of goods, of which the catsup was a part, was fully paid for, and that the balance sued for in this case was a subsequent sale of bills of goods by plaintiffs to defendants. Under our Defalcation Act we do not think that this is material, and that anything which was the subject of contract between the parties could be legitimately used as a set-off.

Prosecutions by the Pure Food Department of the state of Pennsylvania against violators of the pure food laws are, of course, penal in their nature as between the Commonwealth of Pennsylvania and the defendant in any given suit. So, also, the fine and costs paid in such prosecution is a penalty as between the Commonwealth and the defendant. But as between that defendant and the third party, who has guaranteed protection to the defendant, such fine and costs are not penalty, but a measure of damages for a breach of the contract of guarantee. We are unable, moreover, to see why parties are not permitted to so contract. It would be impossible for the retail dealer to ascertain beforehand that every article of goods which he had for sale was pure, and he must therefore depend upon the person from whom he buys to protect him as to the quality of the goods which he offers for sale. If the seller, therefore, guarantees such goods sufficiently pure to stand the test of the Pure Food Department of the state, why is not such a contract of guaranteeing against the fruits of a crime. If, therefore, such a contract of guarantee, as the jury have said was made in this case, is enforceable at all as a contract of guarantee, it can also be made the subject of set-off, and we so decide.—*Grocery World*.

### THE NATIONAL PURE FOOD LAW.

By H. E. O. HEINEMANN, ATTORNEY AND COUNSELOR.

With the adjournment of the second session of the Fifty-ninth Congress, the federal food legislation is left in a rather curious condition. There is no doubt that this condition comes a great deal closer to what Congress originally intended the food law to be, than was the case after the adjournment of the first session, at which the National Food and Drugs Law was passed.

Details of how laws are passed are not as a rule of particular interest to the individuals concerned by them, but in the present case the history of the Food and Drugs Act and of the Agricultural Appropriation Act is of great importance to the brewing trade as well as to all trades connected with the manufacture and distribution of foods and drugs.

The Food and Drugs Act, as originally passed, contemplated that no food standards should be established otherwise than by the courts. Nothing in connection with the whole subject is clearer than this proposition. The debates preceding the passage of the Food and Drugs Act showed with as much clearness as can be attained by means of very emphatic language, that no body of men, nor any executive officer of the government, should establish standards for foods. The debates even went so far as to specify the officers of the United States Department of Agriculture, saying distinctly that it should not be their function to establish standards, but that their business, with reference to this subject, was merely to gather information.

It is not the present intention to discuss the wisdom of this particular feature of the food law. Perhaps it would have been better to create some competent authority for the establishment of food definitions, if not standards; but as a matter of fact this was not done, and the national legislature went on record distinctly as opposed to such a plan.

Since the year 1903, however, with the interruption of one year only, the United States Department of Agriculture had been at work, under a clause in the annual Agricultural Appropriation Act, in establishing standards for foods which it was believed would have some legal authority. Since the passage of the food law, such authority seemed more desirable than ever, and several clauses were inserted in the Agricultural Appropriation Bill for 1906-1907, whereby it was sought to recover the authority. Under the authority given by the Food and Drugs Act, to make rules and regulations for carrying that law into effect, an executive regulation was framed, providing that when standards had been established by the Department of Agriculture under the Appropriation Act, such findings should become a part of the rules and regulations under the Food and Drugs Act; that is to say, they should, to all intents and purposes, become part of the Food and Drugs Act itself.

This invasion of the legislative department of the government by the executive department aroused serious opposition, and the result was that the new appropriation bill for the year 1907-1908 was scrutinized more closely before it was put upon passage in either house of Congress. The bill, as it left the House committee, contained the following two passages:

"To enable the Secretary of Agriculture to investigate the character of food preservatives, coloring matters, and other substances added to foods to determine their relation to digestion and to health and to establish the principles which should guide their use, and



to publish the results of such investigations when thought advisable; provided, that before any adverse publication is made notice shall be given to the owner or manufacturer of the article in question, who shall have a right to be heard and to introduce testimony before the Secretary of Agriculture or his representatives, either in person or by agent, concerning the suitability of such articles for food or as to false labeling or branding."

"To enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to ascertain the purity of food products and determine what are regarded as adulterations therein and to establish standards therefor."

The second one differs from the one of the previous year chiefly by the addition of the words "and to establish standards therefor." These were intended to broaden the authority of the Department of Agriculture. The House of Representatives, however, struck out both of these clauses. In the Senate a motion was made to re-insert these clauses, and the first one was, as a matter of fact, re-inserted, but the second one failed and does not appear in the Agricultural Appropriation Act, as finally passed.

The appropriation bill carries an appropriation which is larger by about \$500,000 than that of last year, referring to the Bureau of Chemistry, and this additional half million dollars is supposed to be used for the enforcement of the Food and Drugs Act.

There can scarcely be a doubt that this act of Congress is intended to serve notice upon the Department of Agriculture, that its attempts to establish standards under the Appropriation Act, to be treated as part of the Food and Drugs Act, is not in accord with the intention of the national legislature. Any action taken by the department in the past, in regard to this subject, is of no legal effect as far as any connection with the Food and Drugs Act is concerned.

As far as the brewing trade is concerned, no definitions or standards have yet been established. Whether the Department of Agriculture will attempt to establish such standards before June 30, 1907, when the present Appropriation Act expires and the new one will be in force, cannot now be foretold, but it seems very unlikely that such an attempt will be made. Whether it is made or not, the original position taken by the writer is now demonstrated to be absolutely correct—viz., that there is no legal authority to establish any standards for food products, except by the courts, as far as the national food law is concerned. It follows, therefore, that the brewers are in no way bound by the standards which the United States Department of Agriculture may establish in regard to their product. As Senator Heyburn said during the debate on the original bill, it is the business of the Department of Agriculture to gather information, but it is for the courts to say whether the law has been violated or not.

If the standards established in the past by the Department of Agriculture were recognized as possessing legal force, the business interests of the country would be in the singular position of being bound by standards which could not be changed or modified, since under the new appropriation bill the department has no authority whatever to establish standards, and consequently cannot correct any of the standards previously established in case any error should be discovered or in case, in the course of progress, changes

should become desirable. It is unthinkable that a court would uphold any such condition, unless it were created by the clearest enactment of the legislature. As the matter stands at present, any standard which may be promulgated by the United States Department of Agriculture in regard to beer, will have only the force of expert opinion on behalf of the government, but will in no sense be binding upon any court.

#### A NEW DRY MILK PROCESS.

In the "Scientific American" an interesting method of the production of dry milk, or milk flour, is described which makes no use of high temperature, and in which numerous advantages are claimed for the resulting product. The process of manufacture is described as follows: The milk, from which the cream has been previously separated, is run through a centrifugal clarifier, which removes all floating impurities and foreign substances; the liquid is then allowed to cool below the temperature resulting from the action of the clarifier, and is then placed in open receptacles, from which it is drawn into the desiccator. The latter consists essentially, of a large, closed copper vessel, provided with glass peepholes, through which the progress of the operation may be watched, vacuum gauges, and thermometers. A large pipe rises from the top of the copper vessel and leads to a cylindrical condenser, in which is arranged a coil or worm of small piping. Between the condenser and the desiccator the large connecting pipe is provided with a trap, to prevent the accidental return of any of the evaporated and subsequently condensed liquid to the vessel. A strong vacuum pump communicates with the desiccator through the condenser and the connecting pipe. When the milk is ready for drying, the vacuum pump is started, and this creates a partial vacuum within the copper vessel. The end of a rubber tube in communication with the latter is now introduced into the receptacle containing the milk, and the liquid is then rapidly drawn into the desiccator by means of the vacuum within the same. The pump continually draws off the vapors during the entire operation, which lasts from three to four hours, and it maintains the partial vacuum in the desiccator during this period. The action is thus analogous to boiling off the water, though the temperature of the milk is maintained at a point under 105 deg. F. To the eye the operation is indistinguishable from a direct boiling of the milk by means of application of heat; but it is claimed that by this absence of heat the chemical properties of the milk are not altered in the least, notwithstanding that the process removes impurities and destroys all the harmful bacteria. The vapor is changed to liquid form in the condenser where it is cooled by a flow of cold water through the warm located within it. From the condenser the liquid, which has been shown to be chemically pure distilled water, flows into a tank pro-amount evaporated can be accurately estimated, and thus the progress of the operation may be checked by the amount of the condensed water. When the milk has been sufficiently dried, the moist, white, flaky solid is removed from the desiccator through a suitable opening in the bottom. It is then placed on flat pans and completely dried by means of a blast of cold, dry air. The crusty mass of the dried milk is ground or powdered by being placed in a revolving metal cylinder, which contains a number of porcelain balls. These are tumbled about by the rotation of the cylinder, and soon reduce the milk solids to a fine flour.



**FIGHT ON IN TENNESSEE, DRUGGISTS WIN**

The Senate Committee on Sanitation, having in charge the pure food bill before the General Assembly, met at the Board of Trade rooms and let the doctors and druggists argue the question, deciding at the conclusion of the argument to recommend the substitute bill introduced by Senator Mansfield for passage. This leaves the victory thus far with the druggists. The main point of difference was the complexion of the board which is to have supervision over law transgressions under the provisions of the bill, each side charging the other with endeavoring to have control of this supervision. It is claimed for the substitute bill that it more nearly conforms with the provisions of the national pure food law.

Charles S. Martin, for the druggists, made a general plea for conformity with the national pure food law. Mr. Martin felt that supervision might mean interpretation of the law, and while he looked with utmost respect on the physicians present and the profession in general, it was not wise that the commission be put into their hands, and advocated that the prosecuting committee be composed of the secretary of the State Board of Health, Commissioner of Agriculture and the secretary of the State Board of Pharmacy, as provided by the Mansfield substitute bill.

W. B. Marr, who originally introduced the measure in the House, refused to accept the equity of putting an officer of the Pharmacists' Association on the committee which is to have the interpretation of the rulings in charge.

The speaker said that no objection could be raised on the point of denying the right to give away deleterious drugs. He said the bill had been amended three times, and the representations of the druggists had given their acquiescence in each instance, and now it was claimed that the bill had not been understood. The speaker said that only 10 per cent of the druggists' business came under the provisions of the original bill, and that the pharmacists were unduly alarmed. Mr. Marr spoke at length on the good sense of putting the enforcement of the provisions in the hands of the Board of Health. In case prescriptions are filled, said the speaker, the druggist can take a physician's prescription and fill for other people without understanding the peculiar conditions of different cases.

Col. J. R. Duple, of New York City, claimed that the druggists are heartily in sympathy with the pure food laws, but wanted everything cut from the bill which savored of class legislation. The speaker dwelt on the fact that the druggists were ethical and high-minded, and that it would not be just to ignore their rights and wishes. "Druggists," said the speaker, "have done more to have pure food laws enacted than any other agency."

Dr. A. B. Cooke said the medical fraternity was interested in this measure because its relations with humanity make evident the danger and harm resultant from impure drugs.

Physicians were called on every day, said the speaker, to cure the effects of cases of impure food products, notably of the canned variety. A lecture on nostrums followed here, and a few locally well known cure-alls were given solar plexus knocks. Summed up, the speaker charged that the druggists were in favor of only an emasculated pure food bill.

Dr. George H. Price regretted that the impression had gone abroad that there was antagonism between

the physicians and druggists. The speaker drifted back to cholera and yellow fever times, and fully established the fact that such epidemics have really existed in this state. He concluded with the argument that the supervision of the law should be exercised by the State Board of Health.

Geo. Lancaster, of Chattanooga, asked the committee to consider the business propositions of the bill and not study the history of scourges. The speaker said the physicians' chief concern in the passage of the original pure food bill lay in their desire to control in the supervision of the law. Because the druggists had interested themselves, he continued, in the passage of salutary laws affecting the profession, pharmacy had attained as high a status in Tennessee as in any other state in the Union.

Mr. Lancaster said that the doctors had tried to control the execution of the national pure food law, but were turned down, and the speaker asked that the Tennessee General Assembly do the same thing. The doctors, he said, were striving to make out of the drug store a prescription counter and a cigar store.

On motion the Mansfield substitute for the Marr bill was recommended for passage.

**BAKING AND GERMS.**

At a recent conference on hygiene, which took place in Paris, a paper upon the subject of the effect of heat on germ life was read by M. Roussel. He contended that in the majority of cases bacilli might be introduced into dough from the hands and bodies of the bakers making it. He carried out some experiments, and found that to bake the crust required a temperature of from 250 to 300 degrees, whilst the crumb only required a range of from 210 to 220 degrees Fahr. The pathological germs are destroyed at 162 degrees, but their eggs or spores demand a much higher temperature, say, from 230 to 270 degrees. Whilst the germs themselves are destroyed at the baking temperature, the spores are not rendered harmless, and therefore find a congenial enough hiding place within the crumb of the loaf. The experimenter was struck with the idea that, taking into consideration the physical conditions of many bakers, it might be possible that infectious diseases should be transmitted in that way. He introduced into some dough balls some *Bacillus tuberculosis*. The dough was baked in the ordinary fashion, and the bread fed to pigs. They died, and on being examined it was found that death was due to tuberculosis. These facts and theories are not new, and the only bearing they have at present is to accentuate the position which is taken now, by sensible scientists and by intelligent tradesmen, of the necessity of producing bread under as good and cleanly conditions as are possible.

**Superfluous Warning.**

Careful Youth—Do you know that chocolates are frightfully bad for the digestion? Why, I was reading in the papers to-night about a girl that died of eating too many.

His Fair Companion (flippantly)—Well, if that girl had been a friend of yours, she would have been living yet.

**OLIVES POISON.**

Mr. and Mrs. Maurer of Findlay, Ohio, and three children were poisoned presumably by olives, partaken during the evening meal. All will recover.



## OILS AND WINES ADULTERATED AND MISBRANDED IN FRANCE.

Consul D. I. Murphy of Bordeaux furnishes a report containing facts regarding the adulteration and misbranding of oils and wines received in the United States, and of the extensive use of fictitious names in connection with importations from France. The consul writes:

The use of fictitious names, or "contremarques," is common throughout France. The law of June 23, 1857, protects the French manufacturer in their use and authorizes him to employ such trade-marks as he pleases, provided he has them duly registered at the Tribunal of Commerce in the district where his business is carried on. It is a common thing for manufacturers and exporters to label olive oil of secondary or inferior quality with fictitious names or trade-marks, reserving their own proper names for their highest grade of goods. Many large American concerns order oil from the packers here with directions for special labels bearing some particular names or trade-marks of their own.

### USE OF FICTITIOUS NAMES.

While immense quantities of olive oil are shipped to the United States under fictitious names, it must not be presumed that all, or any considerable portion of it, is adulterated. Many of the names herein given are well known to the trade and the public generally, being the trade-marks of reputable houses. Some of the fictitious names bear a somewhat suspicious resemblance to the names of well-known houses, and their use may be intended to mislead. Two of them \* \* \* might easily be mistaken for \* \* \*, one of the oldest and most reputable concerns in all France. I have the assurances of the packers, however, that these misleading names are insisted upon by customers in the United States.

There are probably other fictitious names which I have not yet been able to discover, for one or two of the exporters failed to respond to repeated requests for their several trade names. I have made an exhaustive search of the archives of the Tribunal of Commerce, but have obtained no additional light on the subject. [A list of the fictitious names, with the houses using them, is furnished by the consul and is on file at the Bureau of Manufactures.]

### EXPORTERS OF OLIVE OIL.

Aside from those largely dealing in oils many of the packers of canned and preserved goods export olive oil with trade-marks of their own. Only a few of them, however, really refine or manufacture, their orders being filled by the large oil packers. In addition to these many of the wine-exporting houses supply their trade in the United States with olive oils, each particular concern having its own trade-mark. As in the case of the shippers of canned and preserved goods, only one or two of them manufacture or refine. They, too, have the large oil packers supply their orders.

What has been said regarding exporters of olive oil using their own proper names only for their goods of first quality holds true of the packers of preserved fruits and vegetables and of the wine merchants. It would require a volume to give the fictitious names used by them, the records of the Tribunal of Commerce showing hundreds and hundreds of registra-

tions, and it would require another volume to contain all the names insisted upon by American dealers.

### MISBRANDING AND ADULTERATION OF WINE.

That there is adulteration of wine goes without saying, but to state the extent of or point out the parties engaged in it is a difficult proposition. It is known that certain unprincipled dealers or brokers buy up the entire output of some of the vineyards where good wine is produced, and with the addition of alcohol and water multiply the output many times over. On this subject in a recently published statement Mr. Guillaume Chastenet, one of the members of the "Groupe Viticole" in the French Assembly, declared the "over-production of wine from which the wine districts of France are suffering is mostly due to fraud." He further declared that it might be supposed the great wine crop of 1905 would make fraud a poor paying business, but such is not the case. The growers were suffering because of this fraudulent increase in the wine crop, and the manufacture of artificial wines had developed prodigiously. "To-day," said Mr. Chastenet, "the consumption and production of wines might balance if it were not for the fifteen or twenty millions of hectoliters (396,255,000 gallons to 528,340,000 gallons) of sugar wines, or manufactured wines of all kinds, made with the lees and sulphuric acid." Examination of the matter leads me to believe with Mr. Chastenet that among the growers there is practically no fraud. The trouble is with certain dealers or brokers who practice what is called "mouillage" or adulteration with water and alcohol.

### OFFICIAL DECLARATION AGAINST FRAUD.

Quite recently Mr. Guyot-Dessaigue, minister of justice, addressed to all the prosecuting attorneys throughout the different departments of France a circular relative to the safeguarding of the public health. In this circular the minister declares that "the Government is more than ever determined to repress all fraud, notably that which is too frequently practiced in the wine trade." A number of convictions have been secured in the courts of Bordeaux and in other places in southwestern France—nearly all of them through the instrumentality of the "Union Syndicale des Négociants en Vins de Bordeaux," an association of the leading wine merchants of Bordeaux, who have determined, if such a thing is possible, to put an end to the fraudulent practices of unprincipled dealers.

### REMEDY SUGGESTED.

The blending of wines is carried on quite extensively; but this seems to be a natural and harmless proceeding, so long as no adulterants enter into the equation. Large quantities of Algerian wines are imported here, and while some of it is utilized in the blend by a certain few of the merchants, the bulk of it, I find, is shipped through to Paris and other parts of France. Of the amount of Algerian wine imported in 1905, approximately 140,000,000 gallons, only 8 per cent, remained in Bordeaux, according to official figures.

Much of the fraud carried on in the wine trade could be stopped if the growers and the proprietors of vineyards and chateaux would be required to make declaration before the mayors of their respective communes at the end of each vintage, setting forth the exact output of their vineyards. These declarations ought to be made public, either by the papers or by posting in the mayor's offices. As their stocks of wine



are sold from time to time they should be required to notify the mayor of each transaction, giving the name and address of the merchant or broker who buys them, with the amount disposed of. When the entire stock is sold, it would be publicly known that there was no more of that particular wine in the growers' stocks. This would at least prevent "mouillage," the most common of the frauds.

#### THE CLASSED WINES.

There is undoubtedly considerable false labeling on what are known as the "classed wines." It is quite impossible, however, to state the extent of the practice, or to name the individuals engaged in it, for they work under close cover. Of the Chateau Margaux wine, there are at this time in stock in Bordeaux about 2,000,000 bottles of different years' vintages, but how many bottles so labeled and sent abroad really contain the excellent product of that famous chateau cannot be told.

The renowned Pontet Canet Chateau produces annually about 300,000 bottles, but much more than that amount is put on the market each year.

The Chateau Lafite output is about 200,000 bottles, but much of the wine masquerading under that label is innocent of contact with the well-known vineyard. And the same is true of most all the classed wines.

There are houses here, however, whose very possession of any brands of wines guarantees their purity and freedom from adulteration, but there are a few concerns, of whom so much can hardly be said. To prevent this false labeling, it can only be suggested that in addition to the name of the producer and the chateau on the label, there should appear also the name of the merchant or importer who handles the product. Probably the publicity incident to such a plan would tend to minimize the fraud. Whether such a course could be insisted upon in wines shipped to the United States is a question to be determined.

#### SALUTARY EFFECT OF PURE-FOOD LAW.

Having given much time to the study of oils and wines, I am led to believe that olive oils exported to the United States from Bordeaux bearing the names of well-known and old-established firms are really what they purport to be—pure olive oil. And it may also be accepted that wines bearing the names of Bordeaux's high-class merchants are pure and free from adulteration. I have the assurance of men in the trade that they would be glad if the Government of the United States would forbid the use of any names on packages containing other than those food products of the exporters, the multiplicity of fictitious names arising in great measure from the demands of large American buyers.

The trade here is now beginning to understand, even the men who have been suspected of irregular practices, that food products entering the United States must be as represented, and I believe that a rigid enforcement of the regulations recently promulgated will reduce to a minimum, if not entirely stop, the misbranding and adulteration of oils, wines and other food products.

#### ASKING ABOUT NEW LAW.

Food Commissioner Redfern of Nebraska is receiving plenty of letters from jobbers and retailers regarding portions of the pure food law. All jobbers in the state seem concerned about the net weight clause of the pure food bill.

#### VANILLA CULTURE IN EAST AFRICA.

The best variety of vanilla comes from vanilla planifolia, which requires a mucky, porous soil. The plant thrives up to a height of about 1,600 feet above sea level and as its fleshy roots do not penetrate deep into the soil it requires only a proportionately thin layer of soil. The plant bears merchantable fruit in the third year, sometimes even in the second year, which require from seven to eight months to mature, and the harvest takes place from April to June. Five to seven harvests are made from the same plant before it is exhausted. New plants must not be planted in the same place of the old.

Protection against wind, also shade, is of great importance for the growth of the plant, and therefore the fields must be surrounded by trees and hedges. Grubs and snails are enemies of the vanilla plant; the former eat the roots, the latter the young sprouts and beans. While in the third year only about one-tenth part of the plants blossom, the percentage increases from year to year up to the seventh. The cultivation of vanilla in German East Africa is impeded by the absence of insects which are instrumental in fructifying the vanilla blossoms. Each separate flower has therefore to be fructified by human hands, the cover of the stigma being raised by means of a thin little rod and the pollen, which is just above the cover, is pressed against the stigma.

When the young beans have grown to the length of a finger, they must be closely inspected and all defective ones must be cut off. The beans mature from seven to eight months after the fructification process. The ripe beans have a yellowish green color.

The way of preparing the beans varies, but an ever-increasing temperature is required to dry them and obtain the well-known brown-black color. In this way the thin-skinned bean with its fine aroma is produced. If hot water is used for heating the beans, they are placed in baskets and immersed in it. The water has a temperature of 80 to 84 degrees R. Afterwards the beans are packed into wooden boxes, which are lined with woolen cloth, and closed. The next day they must have a glassy appearance. They are then again wrapped in dark woolen covers and laid in the sun to dry. If the weather is rainy, they must be dried in a dry-room at a temperature of 50 degrees R., but an after drying in an airy room of from two to four weeks is necessary. After that the dry beans are packed in tin boxes, where they, however, require close inspection, and have to be repacked every week in order to remove diseased beans or such which have become moldy.

The value of the beans is measured by their length, which is from 12 to 25 centimeters. For shipment they are sorted, bound in bundles, and put into tight but not soldered tin boxes, which are now lined with paper instead of tinfoil, as formerly. Black mold is especially dangerous to the beans, while white mold is rather harmless.

#### CHOCOLATE IN SWITZERLAND.

The annual consumption of chocolate in Switzerland amounts to \$2,500,000, and the exports to nearly \$6,000,000. The yearly exports to the United States are about \$1,000,000, while England takes over \$2,000,000 worth. There are more than a score of concerns in the confederation engaged in the manufacture of chocolate, and there are employed in the various factories about 16,000 persons, many of whom are wom-



en. The industry is not limited to special localities, as there are many factories distributed throughout the various cantons, some of which employ as many as 2,500 persons and are equipped with the most modern and latest improved machinery.

The raw material forming the principal ingredient, cocoa, is imported from Brazil, Ecuador, and Ceylon. The cocoa after passing through a system of heating until it is thoroughly dried is ground after the manner of preparing coffee. The ground cocoa is placed in mixing machines, where it is pulverized and worked into a doughy consistency, when it passes into other machines where there are added milk, sugar, and other ingredients. The product is then worked in the machines for sixty hours. Ovens for heating and cold-air ducts for cooling quickly are employed as a means of preserving the flavor. It is finally worked into the desired form and shapes by pressing it into molds, after which it passes to the packing rooms, where each piece is wrapped in tin foil and labeled. There is apparently no attempt at secrecy in its manufacture, except in the process of flavoring. About 30 per cent of cocoa is used in the average grade of chocolate.

#### A NOVEL USE FOR BREAD.

Bread, in its several forms, has many uses, though it is the general belief that bread is consumed only as a food. Perhaps the most novel use to which bread is put may be seen in the great factories of the Elgin National Watch Company, at Elgin, Ill., where more than forty loaves of fresh bread are required each day. When questioned by the American Miller as to the consumption of bread, Superintendent George E. Hunter of the watch factory, said: "There is no secret regarding the use of bread in this factory, and I am willing to tell all I can concerning it. From the earliest times in the history of watch-making it has been the custom of watchmakers to reduce fresh bread to the form of dough. This is done by steaming and kneading. They then use this dough for removing oil and chips that naturally adhere, in course of manufacture, to pieces as small as the parts of a watch. There are many parts of a watch, by the way, that are so small as to be barely visible to the naked eye. The oil is absorbed by this dough and the chips stick to it, and there is no other known substance which can be used as a wiper without leaving some of its particles attached to the thing wiped. This accounts for the continued use of bread dough in the watch-making industry. The Elgin National Watch Company uses something over 40 two-pound loaves per day, or about 24,000 pounds a year."

#### CARE OF SALT FISH.

It often happens that packages of pickled fish are roughly handled in transit when shipped by rail or boat, causing the hoops on barrels, half-barrels and kits to loosen and naturally the pickle leaks out, says the Maritime Merchant. If the packages are left in this condition for a period of five to ten days, the fish are liable to become stained and rusty. It is, therefore, important as soon as mackerel and other kinds of barrel fish are received, to examine the contents of packages, and if they are dry or any of the pickle has leaked out, to make a brine of salt and water, just strong enough to float an egg or potato, and cover the fish with said brine, which will restore the fish to prime condition if attended to immediately.

Barrels and half-barrels of salt and pickled fish

when stored should be examined every thirty days, and if packages have leaked any, same should be refilled with brine. Do not pour fresh water into a barrel of fish—this method causes troubles, as it weakens the original brine, and when the pickle is not sufficiently strong to float an egg or potato the fish turn sour. Another important matter regarding all kinds of fish is to keep in a cool place and out of the sun.

#### CHEDDAR CHEESE IN CANADA.

At a recent convention of Canadian dairymen it was stated that there were 201,000 farmers sending milk to cheese factories in Canada, and that 225,000 were directly interested in the dairy business. Government estimates placed \$175,000,000 as invested in cows, lands, factories and appliances devoted to the cheese-making industry in Canada. It was claimed by the secretary of the Eastern Ontario Dairymen's Association that the Americans had almost entirely lost control of the dairy and cheese trade in England. The export trade of Canadian cheese during the past year had amounted to \$24,000,000, while the export trade of the United States was \$2,000,000. A few years ago the export trade was largely in favor of the United States.

It was claimed that the American dairymen had started skimming the milk for export cheese making and that the English people would not put up with this, and as a result had commenced to buy in increased quantities from Canada, where high-quality cheese, without skimming, was made for the export trade. Also, owing to the increased market in the United States, the best cheese made there was used for home consumption. It was for this reason that Canadian cheese had taken first place in the English and Scotch markets. But the speaker said there was now danger of Canada losing this enormous trade, as the Yankee dairymen were enlarging their output with more modern appliances, and beginning to again produce a pure, unskimmed cheese for the export trade, which would again find favor in the English market, unless means were obtained to hold the lead which Canadian cheese had won. Of late the cities of Canada were demanding purer milk than they had been receiving. The agitation for purer milk taken up by the Canadian newspapers would have its effect in England and Scotland, where it might be said that the cheese now sent from Canada might be made up of the same impure milk that was being consumed in the cities of Ontario.

It was also stated that some of the cheese factories of Ontario had deteriorated from their former good sanitary condition, and therefore the salvation of the great industry depended in a measure upon a correction of these conditions. Figures showed that Canada had exported 95,884 tons of cheese, while that of the other countries combined only totaled 33,000 tons. Cheese had reached the top notch in price during 1906 at 13½ cents a pound, being the highest price paid in Ontario.

The American cheese maker will be able to increase his export trade by sending out cheese made entirely from unskimmed milk, and again establishing a standard of excellence in the quality of future exportations and by judicious advertising of the improved appliances and brand.



# DIRECTORY

## OF FOOD CONTROL OFFICIALS

### ARIZONA.

#### PHOENIX.

#### TERRITORIAL BOARD OF HEALTH.

Robert M. Dodsworth, M. D., Superintendent of Public Health, Secretary of Board.

### CALIFORNIA.

#### SAN FRANCISCO.

#### STATE DAIRY AND FOOD BUREAU, 114 CALIFORNIA STREET.

John A. Bliss of Alameda County, Chairman and Treasurer.

W. Frank Pierce of Alameda County.

Geo. R. Sneath of San Mateo County.

Wm. H. Saylor, Secretary and Chemist.

### CANADA.

#### OTTAWA.

#### DEPARTMENT OF INLAND REVENUE.

Wm. Templeman, Minister of Inland Revenue.

W. J. Garold, Deputy Minister.

Thos. Macfarlane, Chief Analyst.

Anthony McGill, Assistant to Chief Analyst.

S. E. Wright, Assistant Analyst.

E. Davidson, Assistant Analyst.

A. Lemoine, Assistant Analyst.

J. A. Valin, Assistant Analyst.

### COLORADO.

#### DENVER.

Mrs. Mary Wright, Dairy Commissioner.

Miss Belle P. Gill, Deputy Commissioner.

### CONNECTICUT.

#### HARTFORD.

J. B. Noble, Commissioner.

R. O. Eaton, Deputy Commissioner.

A. L. Winton, Agricultural Experiment Station, New Haven, Chemist.

### DISTRICT OF COLUMBIA.

#### WASHINGTON, D. C.

#### HEALTH DEPARTMENT.

Health Officer, William C. Woodward.

Chemist, R. L. Lynch.

Deputy Health Officer, H. C. McLean.

Chief Inspector, W. C. Fowler.

### GEORGIA.

#### ATLANTA.

T. G. Hudson, Commissioner of Agriculture.

R. F. Wright, Assistant Commissioner of Agriculture.

John M. McCandless, State Chemist.

R. G. Williams, First Assistant State Chemist.

James Q. Burton, Second Assistant State Chemist.

### IDAHO.

#### BOISE.

#### STATE DAIRY, PURE FOOD AND OIL COMMISSION.

A. F. Hitt, Commissioner.

Prof. S. R. Macy, State Chemist.

### ILLINOIS.

#### CHICAGO.

Alfred H. Jones, State Food Commissioner.

H. E. Schuknecht Assistant Food Commissioner.

T. J. Bryan, State Analyst.

Lucy Doggett, Assistant State Analyst.

L. L. Nehls, Chemist Stock Foods.

Frank Hoey, Chicago, Inspector.

J. H. Kjellquist, Rockford, Inspector.

J. C. Eagleton, Robinson, Inspector.

H. J. Hamlin, Jr., Shelbyville, Inspector.

Harrison Kennicott, Glen View, Inspector.

J. L. McLaughlin, Chicago, Inspector.

### INDIANA.

#### INDIANAPOLIS.

#### STATE BOARD OF HEALTH.

J. N. Hurty, M. D., Phar. D., Secretary of State Board of Health and State Food and Drug Inspector.

H. E. Barnard, B. S., Chemist.

H. E. Bishop, B. S., Assistant Chemist.

### IOWA.

#### DES MOINES.

#### STATE FOOD AND DAIRY COMMISSION.

H. R. Wright, Commissioner.

W. E. Smith, Deputy Commissioner.

W. B. Johnson, Assistant Commissioner.

F. L. Odell, Assistant Commissioner.

J. R. Chittick, Chemist.

Miss Avis Talcott, Assistant Chemist.

### KANSAS.

#### TOPEKA.

#### STATE BOARD OF HEALTH.

L. A. Golden, M. D., President.

S. J. Crumbine, M. D., Secretary.

E. H. S. Bailey, Ph. D., Chemist.

#### THE STATE AGRICULTURAL COLLEGE.

#### DEPARTMENT OF CHEMISTRY.

#### MANHATTAN.

J. T. Willard, M. S., Professor of Chemistry.

H. A. Wood, B. S., Assistant in Chemistry.

H. H. King, M. A., Assistant in Chemistry.

E. C. Crowley, Ph. B., Assistant in Chemistry.

Alice M. Melton, B. S., Clerk.

### KENTUCKY.

#### LEXINGTON.

M. A. Scovell, Director Experiment Station.

R. M. Allen, Secretary and Executive Officer, Food Division.

J. O. La Bach, Chemist, Food Division.

### LOUISIANA.

#### NEW ORLEANS.

#### THE STATE BOARD OF HEALTH.

C. H. Irion, M. D., President, New Orleans.

W. Glendower Owen, M. D., Vice-President, White Castle.

W. S. Ingram, Secretary, New Orleans.

### MAINE.

#### AUGUSTA.

A. W. Gilman, Commissioner.

L. H. Merrill, Chemist in charge Food Analysis.

### MARYLAND.

#### BALTIMORE.

#### THE STATE BOARD OF HEALTH.

Dr. Wm. H. Welch, President.

John S. Fulton, M. D., Secretary.

### MASSACHUSETTS.

#### BOSTON.

#### BOARD OF AGRICULTURE, ROOM 136, STATE HOUSE.

P. M. Howard, General Agent, Massachusetts Dairy Bureau.

J. Lewis Ellsworth, Executive Officer and Secretary of the State Board of Agriculture.

C. D. Richardson, West Brookfield, Chairman of Dairy Bureau.

#### FOOD DIVISION OF BOARD OF HEALTH.

Charles Harrington, M. D., Secretary.

Albert E. Leach, Chemist, Food and Drug Analyses.

Chas. A. Goessman, Milk Analyst for Western Mass.

H. C. Lythgoe, Assistant Chemist.

### MICHIGAN.

#### LANSING.

A. C. Bird, State Dairy and Food Commissioner.

Colon C. Lillie, Deputy Commissioner.

Floyd W. Robison, State Analyst.

L. H. Van Wormer, Assistant Chemist.

### MINNESOTA.

#### ST. PAUL.

#### STAFF OF THE DAIRY AND FOOD COMMISSION.

E. K. Slater, Commissioner.

John McCabe, Assistant Commissioner.

W. W. Wall, Secretary.

Julius Hortvet, Chemist.

R. M. West, Assistant Chemist.

Miss Marjorie Cole, Assistant Chemist.

Genevieve Imus, Assistant Chemist.

### MISSOURI.

#### COLUMBIA.

Robert M. Washburn, State Dairy Commissioner.

D. J. Clifford, Deputy State Dairy Commissioner.

### MONTANA.

#### MONTANA MEAT AND MILK INSPECTION COMMISSION.

#### HELENA.

Dr. Wm. Treacy, President.

Dr. Thomas D. Tuttle.

M. E. Knowles, Secretary.

### NEBRASKA.

#### LINCOLN.

#### NEBRASKA FOOD COMMISSION.

W. F. Thompson, in charge of the department.

E. L. Redfern, State Chemist.

### NEW HAMPSHIRE.

#### CONCORD.

#### STATE BOARD OF HEALTH.

G. P. Conn, M. D., President.



Irving A. Watson, M. D., Sec. and Director of Laboratory  
Chas. D. Howard, B. S., Chemist.  
Walter B. Pope, Assistant Chemist.

## NEW JERSEY.

TRENTON.

## STATE BOARD OF HEALTH.

Cyrus F. Brackett, M. D., LL. D., President.  
Henry Mitchell, Secretary.  
R. B. Fitz, Randolph, Dir. State Laboratory of Hygiene.  
Shippen Wallace, Analyst.  
Wm. G. Tice, Analyst.

## NEW YORK.

ALBANY.

## DEPARTMENT OF AGRICULTURE.

Charles A. Wieting, Commissioner.  
George L. Flanders, Assistant Com., Albany, N. Y.  
Henry J. Kracke, Assistant Com., New York City.  
Ebenezer J. Preston, Assistant Com., Amenia, N. Y.  
Robt. McAdam, Acting Assistant Com., Utica, N. Y.  
S. Brown Richardson, Assistant Com., Lowville, N. Y.  
Charles T. Russell, Assistant Com., Munsville, N. Y.  
Verlett C. Beebe, Assistant Com., Arcade, N. Y.  
William T. Hughes, Assistant Com., Rochester, N. Y.  
John H. Grant, Assistant Commissioner, Buffalo, N. Y.  
James P. Clark, Assistant Com., Falconer, N. Y.

## STATE DEPARTMENT OF HEALTH.

Eugene H. Porter, M. D., Commissioner.  
Alec. H. Seymour, Secretary.  
F. D. Beagle, Chief Clerk.  
Prof. Willis G. Tucker, M. D., Dir. Bureau of Chemistry.

## NORTH CAROLINA.

RALEIGH.

## BOARD OF AGRICULTURE.

S. L. Patterson, Commissioner.  
T. K. Bruner, Secretary.  
B. W. Kilgore, State Chemist.  
W. M. Allen, Food Chemist.

## NORTH DAKOTA.

FARGO.

E. F. Ladd, Food Commissioner.  
R. F. Flint, Dairy Commissioner.

## OHIO.

COLUMBUS.

## OHIO DAIRY AND FOOD COMMISSION.

Hon. Renick W. Dunlap, Commissioner, Columbus.  
Charles H. May, Chief Inspector, Circleville.  
William Martin, Assistant Com., Chardon.  
John J. Kinney, Assistant Com., Cincinnati.  
Dr. James H. Beal, Drug Inspector, Scio.  
T. D. Wetterstroem, Chemist, Cincinnati, 3935 Spring Grove Avenue.

Prof. William McPherson, Chemist, Columbus.

O. S. Marckworth, Chemist, Columbus.

Dr. J. A. Beer, Chemist, Columbus.

Prof. Perry L. Hobbs, Chemist, Cleveland.

Prof. Azor Thurston, Chemist, Grand Rapids, Ohio.

Prof. H. K. Newton, Chemist, Cleveland.

W. E. Johnson, Food Inspector, Jackson.

E. J. Riggs, Food Inspector, Gallipolis.

C. M. Shafer, Food Inspector, Canal Fulton.

Anthony Sauer, Food Inspector, Cincinnati.

C. H. Waid, Food Inspector, Wauseon.

S. P. Ewing, Food Inspector, Columbus.

## OREGON.

PORTLAND.

J. W. Bailey, Dairy and Food Commissioner.  
H. V. Tartar, Deputy Dairy and Food Commissioner.  
Dr. Charles Withycombe, Dir. Oregon Experiment Station.

## PENNSYLVANIA.

HARRISBURG.

## DEPARTMENT OF AGRICULTURE AND DAIRY AND FOOD COMMISSION.

N. B. Critchfield, Secretary of Agriculture.  
Dr. B. H. Warren, Dairy and Food Commissioner  
Oliver D. Schock, Assistant Dairy and Food Commissioner  
Prof. C. B. Cochran, Chief Chemist.

## RHODE ISLAND.

PROVIDENCE.

## BOARD OF HEALTH.

Albert G. Sprague, M. D., President.  
Gardner T. Swartz, M. D., Secretary.

## SOUTH CAROLINA.

CHARLESTON.

## BOARD OF HEALTH.

T. Grange Simons, M. D., Chairman.  
James Evans, Secretary, Florence.  
Ross Moudy, Laramie, Assistant State Chemist.

## SOUTH DAKOTA.

WEBSTER.

A. H. Wheaton, Food and Dairy Commissioner.  
John W. Arthur, Assistant.  
Prof. J. H. Shepard, Brookings, S. D., State Chemist.

## TENNESSEE.

NASHVILLE.

## BOARD OF HEALTH.

Dr. Hebor Jones, Vice President, Memphis.  
Dr. T. E. Abernathy, Chattanooga.  
Hon. W. W. Ogilvie, Nashville.  
Dr. R. E. Fort, Nashville.  
John S. Hammel, Clerk.  
Dr. Louis Leroy, State Bacteriologist.

## TEXAS.

AUSTIN.

## DEPARTMENT OF PUBLIC HEALTH AND VITAL STATISTICS.

Dr. Geo. R. Tabor, State Health Officer.  
E. E. Walker, Secretary.

## UNITED STATES.

WASHINGTON, D. C.

## DEPARTMENT OF AGRICULTURE.

James Wilson, Secretary.  
W. M. Hays, Assistant Secretary.  
H. W. Wiley, Chief, Bureau of Chemistry.  
W. D. Bigelow, Chief, Division of Foods.  
G. E. Patrick, Chief of Dairy Laboratory.  
Dr. L. F. Kebler, Chief of Drugs Laboratory.  
R. E. Doolittle, Chief of New York Laboratory.  
R. A. Gould, Chief of San Francisco Laboratory.  
B. H. Smith, Chief of Boston Laboratory.  
Howard V. Frost, Chief of Chicago Laboratory.  
C. F. Brinton, Chief of Philadelphia Laboratory.  
C. W. Harrison, Chief of New Orleans Laboratory.

## BUREAU OF ANIMAL INDUSTRY.

A. D. Melvin, Chief of Bureau.  
R. P. Steddom, Chief of Inspection Division.  
Ed H. Webster, Chief of Dairy Division.

## TREASURY DEPARTMENT.

## BUREAU OF INTERNAL REVENUE.

John W. Yerkes, Commissioner of Internal Revenue.  
L. M. Tolman, Chief, Division of Chemistry.  
S. L. Stephenson, Chief, Division of Distilled Spirits.  
C. A. Bates, Chief, Division of Assessments.

## UTAH.

SALT LAKE CITY.

John Peterson, State Dairy and Food Commissioner.  
Herman Harms, State Chemist.

## VERMONT.

BRATTLEBORO.

## STATE BOARD OF HEALTH.

Charles S. Caverly, M. D., President, Rutland, Vt.  
Henry D. Holton, M. D., Secretary, Brattleboro, Vt.  
B. H. Stone, M. D., Director of Laboratory.  
C. P. Moat, Chemist.  
H. L. White, Chemist.

## VIRGINIA.

RICHMOND.

G. W. Koiner, Commissioner of Agriculture.  
E. W. Magruder, Chief Chemist.

## WASHINGTON.

DAVENPORT.

L. Davies, State Dairy and Food Commissioner, Davenport, Washington.

L. W. Hanson, Deputy Dairy and Food Commissioner, Seattle.

Prof. Elton Fulmer, State Chemist, Pullman, Washington.

## WEST VIRGINIA.

CHARLESTON.

## STATE BOARD OF AGRICULTURE.

James O. Thompson, Secretary.

## WISCONSIN.

MADISON.

J. Q. Emery, Dairy and Food Commissioner.  
H. S. Baer, Assistant Commissioner, Dairy Expert.  
J. G. Moore, Second Asst. Commissioner, Creamery Expert.  
F. M. Buzzell, Chief Food Inspector.  
Richard Fischer, Ph. D., Chemist.  
A. G. Kundert, Assistant Chemist.  
F. W. Tweeden, Assistant Chemist.

## WYOMING.

EVANSTON.

## STATE BOARD OF HEALTH.

E. W. Burke, State Dairy and Food Commissioner.  
Prof. Henry G. Knight, State Chemist, Laramie.



# Corn Products Manufacturing Co.

The Heyworth Building. Chicago

**Corn Syrups,  
Glucose,  
Grape Sugar,  
Corn Starch,  
Confectioners' T. B. Starch**

ALL PRODUCTS GUARANTEED UNDER THE  
FOOD AND DRUGS ACT, JUNE 30, 1906.

'Karo Corn Syrup is a Pure Food Product.  
Its Ingredients, Corn Syrup 85% and Re-  
finers Syrup 15% are of the Highest Quality  
and prepared according to U. S. Standards.'

## FIXTURES

Time and Place of Holding Conventions, Food Shows  
and Expositions Relating to Pure Foods.

Eleventh annual convention of the Association of  
State and National Dairy and Food Departments at  
Norfolk, Va., July 16th, 17th, 18th and 19th, 1907.  
Address R. M. Allen, Secretary, Lexington, Ky.

International Pure Food Exposition (World's Pure  
Food Show) at the Coliseum, Chicago, Ill., Novem-  
ber 19th to 25th, 1907. Address Managing Director  
Thomas I. Hoyne, Manhattan Building, Chicago, Ill.

National Dairy Show and Exposition, under the  
auspices of the National Dairy Show Association, at  
the International Amphitheater, Union Stock Yards,  
Chicago. Address all communications, National Dairy  
Show Association, Room 307, 154 Washington street,  
Chicago.

Norfolk, Va.—Jamestown Exposition, April 20 to Nov. 30,  
1907.—Food Products Exposition. H. St. George Tucker,  
president; G. T. Sheppard, secretary.

Go slow in urging your State to adopt the National Law  
before it is thoroughly tried by the government.

You must not have on your label manufactured by you un-  
less you are the actual manufacturer.

## The American Food Laboratory

1235-1240 Caxton Bldg., 334 Dearborn St., Chicago

Telephone Harrison 2473

### SPECIALTIES

Food Stuffs; Water—Portable, Mineral. Boiler;  
Drugs, Liquors, Food Colors and Preservatives,  
Cattle Feeds, Fertilizers.

Technical information as to requirements of State  
Food, Drug, Fertilizer and Stock Food Laws.

### INDUSTRIAL

Factory Processes, Factory Investigations, Chemical  
Patents Perfected, Practical Receipts, Soap and  
Glycerine, Paints and Oil, Utilization of Bi-Products,  
Toxicological Work, Infant and Invalid Foods.

**We are the Largest** <sup>Manufacturers</sup> <sup>of Prepared</sup>

**MUSTARD AND CATSUP**

**HUSS-EDLER PRESERVE COMPANY,**

Write for Samples and Prices. 75-79 W. Kinzie St., Chicago

## WEISEL & CO.

...Manufacturers of...

High Grade **SAUSAGES ONLY**

609 East Water Street Milwaukee, Wis.

CHICAGO BRANCH: — 51 to 53 LA SALLE STREET

Tel. connection





# Henderson Bourbon

and

# Maryland Reserve Rye

Analysis Proves them to be

## PURE FOOD WHISKIES

Up to Standard and True to Label

For Sale by

**BREEN & KENNEDY**

187-189 Washington Street  
CHICAGO



## See Everything Darkly

When a fit of dyspepsia is on, a man sees everything darkly. He becomes bilious, and biliousness gives him yellow views of life. It is impossible for any one who eats improper food to be good natured, to have a well body. The simpler the food, properly prepared, the better the health.

## DR. PRICE'S WHEAT FLAKE CELERY FOOD

is the best food for all classes, especially dyspeptics. It helps to regulate the bowels and strengthen the nerves. A Food—not a drug.

**Palatable — Nutritious — Easy of Digestion and Ready to Eat**  
Can be served hot. Put in a hot oven for a few minutes; or cook in boiling milk.

**10c a package**  
All Grocers

My Signature  
on every  
package

*Dr. V. C. Price* 78



# THE AMERICAN FOOD JOURNAL



Vol. II No. 6

CHICAGO, JUNE 15, 1907

10c. Per Copy  
Monthly \$1.00 Per Year



## JUNE

O month of June, when birdlings mate  
And brides their vows enunciate;  
Ah, balmy month, when Nature's loom  
Weaves fragrant blossoms into bloom!

*BYRON WILLIAMS*



# ARMOUR & COMPANY

— ESTABLISHED 1863 —

CHICAGO : KANSAS CITY : SOUTH OMAHA : SIOUX CITY : EAST ST. LOUIS : FORT WORTH

: PACKERS AND SHIPPERS OF :

## DRESSED BEEF, PROVISIONS, CANNED MEATS

and Proprietors of the following well known special Brands:

### "STAR" HAMS AND BACON

"VERIBEST" MINCE MEAT	DEVONSHIRE SAUSAGE
"VERIBEST" PORK AND BEANS	SIMON PURE LEAF LARD
"VERIBEST" TINNED MEATS	VEGETOLE (Lard Substitute)

General Offices ::: 205 LA SALLE STREET ::: CHICAGO, ILL.



## HIGHLAND AND OUR PET BRAND



# Evaporated Milk

UNSWEETENED

Sold under guarantee which has been filed with the Secretary of Agriculture,  
Washington, D. C., under number 1031.

---

---

## HELVETIA MILK CONDENSING CO.

Main Office: HIGHLAND, ILL.

Sales Offices:

NEW YORK

CHICAGO

SAN FRANCISCO



# THE AMERICAN FOOD JOURNAL



Vol. 2. No. 6.

CHICAGO, JUNE 15, 1907.

Monthly, \$1 Per Year.  
10c Per Copy.

## THE NEW PENNSYLVANIA FOOD LAW.

An act for the protection of public health by prohibiting the manufacture, sale, offering for sale or having in possession with intent to sell, within the state of adulterated, misbranded, poisonous or deleterious foods and confections; regulating the enforcement of the provisions hereof providing for the protection of persons buying and selling adulterated or misbranded foods and confections under a guaranty, and providing penalties for the violation thereof.

Section 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be unlawful for any person within this state to manufacture, sell, offer for sale or have in possession with intent to sell, any article of food which is adulterated or misbranded within the meaning of this act.

Section 2. That the Dairy and Food Commissioner of the state shall be charged with the enforcement of the provisions of this act and for the purposes of its enforcement shall be empowered to employ such assistants, agents, chemists, attorneys, clerks and experts as he may deem necessary. The examinations of the articles purchased or procured shall be made by the chemists appointed by the said Dairy and Food Commissioner for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this act, and if it shall appear from any such examination that any of such samples is adulterated or misbranded within the meaning of this act the Dairy and Food Commissioner shall cause notice thereof to be given to the person from whom such sample was obtained, and in case such person shall produce a guarantee in writing, then notice shall be given to the guarantor; if it appear that any of the provisions of this act have been violated by such person, then the Dairy and Food Commissioner shall begin an action against the said person for the enforcement of the penalty or penalties prescribed by this act.

Section 3. The Dairy and Food Commissioner shall

make uniform rules and regulations under and subject to which the provisions of this act shall be enforced, and such rules and regulations shall, where practicable, conform to and be the same as the rules and regulations adopted from time to time for the enforcement of the Act of Congress approved June thirtieth, one thousand nine hundred and six, and known as "The Food and Drugs Act." Such rules and regulations to be published from time to time in bulletins to be issued by the Department.

Section 4. The term "food," as used herein, shall include all articles used for food, confectionery or condiment by man, whether simple, mixed or compound, and all substances or ingredients intended for use in food, confectionery or condiments as above defined, except as hereinafter excepted.

The term "person," as used in this act, shall include individuals, firms, co-partnerships, unincorporated associations and bodies corporate, as well as all officers, agents, employes or others acting for any of the same, and shall be taken as applying in the singular or plural, as the case may require.

Section 5. That for the purpose of this act an article shall be deemed to be adulterated

In the case of food:

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted, wholly or in part, for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated



or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contains any added substance or ingredient which is poisonous or injurious to health. Provided, however, That no action shall be brought or sustained for violation of the provisions of this section when the article alleged to be adulterated is not adulterated within the meaning of the provisions of the "Food and Drugs Act" of June thirtieth, one thousand nine hundred and six, enacted by the Senate and House of the United States of America in Congress assembled, and the rules and regulations promulgated from time to time for the enforcement of the same. And, provided further, That when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically or by maceration in water or otherwise, and directions for the removal of said preservative shall be printed on the covering of the package, the provisions of this act shall be construed as applying only when such products are ready for consumption.

Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal, fish or vegetable substance, or any portion of an animal or fish unfit for food, whether manufactured or not; or if it be the product of a diseased animal or fish, or an animal that has died otherwise than by slaughter.

In the case of confectionery:

First. If it contain terra alba, barytes, talc, chrome yellow or other mineral substance, or poisonous color, or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spiritous liquor or compound or narcotic drug. Provided, That this paragraph shall not be construed to prohibit the use of harmless colors of any kind when used for coloring and not for fraudulent purposes.

Section 6. That the term "misbranded," as used herein, shall apply to all articles of food or articles which enter into the composition of food, the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food product which is falsely branded as to the state, territory or country in which it is manufactured or produced.

That for the purpose of this act an article shall also be deemed to be misbranded:

In the case of food:

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it is labeled or branded so as to deceive or mislead the purchaser or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package.

Third. If in package form and the contents are stated in terms of weight or measure they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design or device regarding the ingredients or the substances contained therein which statement, design or device shall be false or misleading in any particular. Provided, That an article of food which does not contain any added poisonous or

deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases.

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food under their own distinctive names and not an imitation of or offered for sale under the distinctive name of another article, if the same be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced.

Second. In the case of articles labeled or branded or tagged so as to plainly indicate that they are compounds, imitations or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale. Provided, That the term "blend," as used herein, shall be construed to mean a mixture of like substance, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only. And, provided, further, That nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary goods which contain no unwholesome added ingredients to disclose their trade formulæ except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

Section 7. Whenever the Dairy and Food Commissioner or his agents shall obtain an article for the purpose of determining whether or not the same is adulterated or misbranded within the meaning of this act, two like samples shall be obtained where the article is in the original package, or if not in the original package then two portions shall be obtained, and each of the portions sealed. One of the said samples shall be delivered to the Dairy and Food Commissioner, and by him preserved in the condition in which it was obtained and under the seal placed thereon by the agent procuring the same, and shall remain in the custody and possession of the Dairy and Food Commissioner until such time as it shall be determined whether or not any action shall be brought against the person from whom the article was obtained for violation of the provisions of this act. If an action shall be brought against the party from whom the article was obtained for violation of the provisions of this act it shall be lawful for the person from whom the said sample was obtained to make application to the magistrate or court in which the said action is pending for an order requiring the delivery of the portion of said sample in the custody of the Dairy and Food Commissioner to a chemist, to be designated by said magistrate or court, for the purpose of analysis, and at the time the analysis is being made by the chemist so appointed the person from whom the sample was obtained shall have the privilege of having present a second chemist; provided, however, that this section relating to the purchase of duplicate samples for analysis shall not apply to perishable articles such as milk, cream or ice cream, said samples shall be delivered to the chemist in the same condition as when obtained.

All expenses incurred in the analysis made by the chemist so designated or appointed shall be assessed by the magistrate or court and paid by the party requesting the same as part of the costs of said action.

No action shall be instituted against any person for violation of the provisions of this act unless the same shall have been commenced within four months from



the date of the taking of the sample nor until all the provisions of this act shall have been complied with.

Section 8. No prosecution shall be sustained under the provisions of this act for the selling or offering for sale or having in possession with intent to sell any article or goods as defined herein when the same is found to be adulterated or misbranded within the meaning of this act when the accused can establish a guaranty signed by the person residing in the United States, from whom such article was purchased, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it, or withing the meaning of the food and drug act, June thirtieth, one thousand nine hundred and six, enacted by the Senate and House of Representatives of the United States of America in Congress assembled; provided, however, that if the article in question is in a broken or open package said guarantee shall not afford immunity from prosecution unless such person shall furnish satisfactory proof that the article has not been changed in quality, the affidavit of such person shall be accepted as such proof, and the person making such affidavit falsely shall be guilty of perjury and punished accordingly; and provided, moreover, that every person giving a guaranty under the provisions of this act shall be held responsible for the adulteration or misbranding of any article or goods sold under said guaranty, and shall be subject to the penalties for the violation of the provisions of this act.

Said guaranty to afford protection shall contain the name and address of the person making the sale of such articles to such dealer, and in such case the said person shall be amenable to the prosecution, fines and other penalties which would attach in due course to the dealer under the provisions of this act when said articles are found to be adulterated or misbranded. Provided, That no such guaranty shall operate as a defense to prosecution for the violation of this act if the dealer shall continue to sell after written notice by the Dairy and Food Commissioner that such article is adulterated or misbranded within the meaning of this act.

Any person who shall have been adjudged to have violated any of the provisions of this act, by reason of the purchase or sale of an article adulterated or misbranded within the meaning of this act, and who shall have purchased the article so found to be adulterated or misbranded within the meaning of this act under a guaranty from the vendor thereof to the effect that the same is not adulterated or misbranded in the meaning of this act or the act of Congress passed June thirty, nineteen hundred and six, shall have a right of action against the guarantor for the recovery of such damages as shall have been sustained by reason of such adulteration or misbranding, and such person shall in addition thereto be entitled to recover punitive damages, and such person shall further have the right to set off any sum or sums of money which shall have been incurred and paid in the defense of any action which shall have been instituted against said person for the violation of any of the provisions of this act against any claim or right of action which the guarantor may have arising out of the sale of the article or articles in question, or otherwise, and which shall include all expenses and reasonable attorneys' fees.

When the examination or analysis herein provided for shows that any of the provisions of this act have been violated, and the person relieved from prosecution under this section by the production of a guaranty

signed by such person residing outside of this state, then the Dairy and Food Commissioner shall report such fact to the Secretary of Agriculture of the United States or the proper officers appointed for the enforcement of the act of Congress approved June thirtieth, one thousand nine hundred and six, known as "The Food and Drugs Act."

Section 9. Any person who shall violate any of the foregoing provisions of this act shall for each offense forfeit and pay the sum of sixty dollars, together with the costs of suit, to be recovered as debts are by law recovered in an action to be instituted in the name of the Commonwealth before any alderman, magistrate or justice of the peace in the county wherein the offense shall have been committed, and no appeal shall be allowed from any judgment rendered in such case except upon special allowance of the court of common pleas, subject to all the rules and regulations applicable to appeals from actions in summary convictions.

Section 10. All fines and penalties imposed and recovered for violation of any of the provisions of this act shall be paid to the Dairy and Food Commissioner or his agent, and when so collected and paid shall thereafter be paid into the State Treasury on or before the tenth day of the next succeeding month in which the same shall have been collected and paid.

Section 11. The following acts of Assembly, namely an act entitled "An act to provide against the adulteration of food, and providing for the enforcement thereof," approved the twenty-sixth day of June, one thousand eight hundred and ninety-five (Pamphlet Laws three hundred and seventeen).

All other acts and parts of acts pertaining to the said matter covered by this act be, and the same are, hereby repealed. Provided, nevertheless, That this act shall not apply to nor in any way effect any acts of Assembly heretofore passed regulating the manufacture, sale and dealing in milk, cream, butter, oleomargarine, butterine, and all other substitutes for butter, oleaginous or dairy products; also acts relating to fresh meats, poultry, game, fish, cider vinegar and fruit syrups, all of which acts shall remain in full force and be enforced by the Dairy and Food Commissioner as fully in all respects as if this act had not been passed. And provided further, That the repeal of the acts hereinbefore specifically repealed shall not prevent the prosecution to final judgment and execution of any action now pending for violation thereof, nor to the commencement and prosecution to final judgment and execution of any action for any violation of any of said acts heretofore committed.

Approved—The first day of June, A. D. 1907.

EDWIN S. STUART,

Governor of the Commonwealth of Pennsylvania.

## WALNUT AND ORANGE SALAD.

By Emile Fox.

Remove the peel of the oranges and every particle of the white skin, then cut them in thin slices lengthwise. Slice English walnuts very thin and mix with the oranges, using two parts of orange to one of nut meats. Place on lettuce leaves and cover the mixture of nuts and oranges with a rich mayonnaise. Serve toasted crackers with this salad, unless the salad is sent in with the meat course.

Chlorophyll has been decided by the United States appraisers not to be a color.



## NEW FOOD LAWS PASSED IN MINNESOTA SUPPLEMENTING THE OLD DAIRY AND FOOD LAW.

### CHAPTER 237—H. F. NO. 453.

AN ACT entitled "An act to amend section 1762, Revised Laws, 1905, relating to the prevention of fraud and deception in the sale of spices and condiments. Be it enacted by the Legislature of the State of Minnesota:

Section 1. That section 1762, Revised Laws, 1905, be amended to read as follows:

1762. Same—Adulteration. The sale of adulterated spices and condiments is prohibited and for the purpose of this chapter a spice or condiment shall be deemed adulterated:

(1) If it be mixed or packed with other articles as to decrease its strength or purity; or

(2) If any normal constituent thereof has been either in whole or in part abstracted; or

(3) If it be an imitation of the article named upon the label; or

(4) If it be colored, powdered or treated in any manner whereby damage or inferiority is concealed, or whereby the quality, quantity or value is misrepresented.

No person shall sell any spice or condiment unless each receptacle or package in which the same is kept for sale or sold, shall have securely affixed upon the side thereof, a label, upon the outside face of which shall be printed in plain conspicuous, legible type, the net weight of the contents of such receptacle or package; and such label shall also contain the name and address of the manufacturer or packer of such spice or condiment.

Section 2. This act shall take effect and be in force from and after its passage.

Approved April 18, 1907.

### CHAPTER 258—H. F. NO. 527.

AN ACT entitled an act to amend section 1771, Revised Laws, 1905, prohibiting the manufacture and sale, for use as food, of certain articles and substances.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. That section 1771, Revised Laws, 1905, be amended to read as follows:

"1771. Applicable to all Foods—The manufacture or sale of any article, designed or offered for sale or use as food, is prohibited, if it contain or is mixed with, or by use of any substance or preparation the manufacture or sale of which is specifically prohibited by any section of this chapter; or if it be in itself injurious, or if it contain any ingredient injurious to health; or if it contain coal-tar dye or saccharin; or if it consist in whole or in part of a filthy or decomposed substance, or of any portion of any animal unfit for food, or of the product of a diseased animal, or one that has died otherwise than by slaughter. And it shall be unlawful to add or apply to any article designed for sale or use as food, any preservative which conceals or tends to conceal the taste, odor, or other evidence of putrefaction, taint or filth existing in such article, or which conceals or tends to conceal inferiority in any form."

Section 2. This act shall take effect and be in force from and after its passage.

Approved April 19, 1907.

### CHAPTER 347—S. F. NO. 747.

AN ACT entitled "An act to amend sections 1757 and 1758, chapter 21, Revised Laws of 1905, relating to pure food.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Vinegar—The term "vinegar" as used herein, shall be deemed to include any article or preparation designed or offered for sale or use as vinegar, or as a substitute therefor, or in imitation thereof.

No person shall sell as cider vinegar any article or preparation not made wholly from pure apple juice.

The manufacture or sale of adulterated vinegar for use in any form in food is prohibited, and any vinegar shall be deemed adulterated—

1. If one hundred (100) cubic centimeters, at a temperature of twenty (20) degrees centigrade, shall contain less than four (4) grams of acetic acid.

2. If it contain any artificial coloring matter; or

3. If it contain any mineral acid, or any acid or product originating from the distillation of wood, or any poisonous metallic impurities, or any substance injurious to health; or

4. If it be cider vinegar and contains less than one and six-tenths (1.6) per centum of cider vinegar solids upon full evaporation at the temperature of boiling water.

Section 2. Same—Branding—No person shall sell vinegar, unless the receptacle in which it is kept for sale or sold, be plainly and conspicuously marked in the English language, upon the head thereof by stencil, brand, or label, with the name of the kind of vinegar therein contained, its percentage of acetic acid, the name of the substances from which it is made, the name of the maker and the place of manufacture. The size of the letters and the figures in the marking herein required shall be not less than one inch in length when a barrel or larger size container be used, and when a keg or any wooden receptacle of less than barrel size be used the size of the letters and figures shall not be less than one-half inch in length; and if the receptacle consists of a bottle, jug or similar container, the data and information herein required shall be plainly printed, in English, with black ink, with type not smaller than eighteen point bold-faced, Gothic capitals, upon a white label which shall be securely affixed upon the side of such receptacle.

Section 3. This act shall take effect and be in force from and after its passage.

Approved April 23, 1907.

### CHAPTER 384—H. F. NO. 436.

AN ACT entitled "An act to prevent the sale of unwholesome substances for use as food."

Be it enacted by the Legislature of the State of Minnesota:

Section 1. No person shall deal in or sell for use as food any filthy, decomposed, diseased or otherwise unwholesome food or dairy products, either in a



natural state or in any manufactured, mixed or prepared condition; and if any of the aforesaid unwholesome articles or substances be found offered or exposed for sale, or had in possession with intent to sell, for use as food, the dairy and food commissioner, his assistant and employes shall have power and authority to seize the same, or in his or their discretion to render the same unsalable for use as food; and the said commissioner and his several employes shall be exempt from liability for any such action; and the test as to the unwholesomeness for use as food of any of the aforesaid articles or substances shall be the condition at the time of such discovery. Every violation of the provisions of this act shall be deemed a misdemeanor the punishment whereof shall be a fine or not less than fifty dollars or imprisonment for not less than 60 days.

Sec. 2. The said dairy and food commissioner, and his several employes, shall enforce the provisions of this act and in so doing shall have the powers and authority which are conferred upon them and each of them by chapter 21, Revised Laws 1905; and the words "person," "sell" and "food," as used in this act, shall be construed as provided in section 1738, Revised Laws, 1905, and laws subsequent thereto; and the having in possession of any article or substance the sale of which is prohibited by this act shall be deemed prima facie evidence of an intent to violate the law. In the enforcement of this act the said commissioner and his several employes shall, in addition to those hereby conferred, have the powers of a constable, and seizures may be made hereunder without a warrant, but as soon as practicable after discovery of such unwholesome article or substance the official making such discovery shall cause the arrest and prosecution of the person in whose possession such article or substance be found. When necessary a search warrant may be issued as in the case of stolen property, the form of complaint and warrant being adapted to the purposes of this act. The search warrant shall be directed to the sheriff or any constable of the county, and no security for costs shall be required thereon or upon any prosecution under this act. Articles or substances seized hereunder, if found upon the trial to have been kept, exposed, offered or sold in violation of law may be forfeited to the state and be disposed of as directed by the court; and the dairy and food commissioner and his several employes, in rendering as aforesaid any unwholesome article or substance unsalable for use as food, may adopt any reasonable and necessary means in so doing; and the provisions of sections 1736, 1778 and 1779, Revised Laws 1905, shall be deemed a part hereof in the enforcement of this act and for the accomplishing of its purposes.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 24, 1907.

#### CHAPTER 455—H. F. NO. 577.

AN ACT to provide for the inspection of canneries, publishing report of same, and establishing a grade for canned fruits and vegetables.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. At such times as the dairy and food commissioner may deem proper and at least once annually, he shall cause to be inspected all canning factories where fruits or vegetables are put up and preserved in tin or glass cans or jars, to be sold as food,

and may require the correction of all unsanitary conditions, and practices found therein, and may search and enter all cupboards, closets or any other places in said canning factories for the purpose of discovering any chemical preservatives or adulterants which he believes are in use or intended to be used in the canning or preserving of fruits or vegetables.

Every refusal or neglect to obey any lawful direction of the commissioner or his agent, given in carrying out the provisions of this section, shall be deemed a misdemeanor.

Sec. 2. The dairy and food commissioner shall, in his public bulletins of information, report and publish the conditions found in the canning factories he has inspected.

Sec. 3. Any person, firm or corporation owning or operating a canning factory where fruit or vegetables are put up and preserved in tin or glass cans or jars, to be sold as food, may label and sell the same as "Minnesota standard," provided the person, firm or corporation puts up, cans and preserves fruits and vegetables which are absolutely free from chemical coloring matter and adulterants of any kind, and which have been inspected and passed upon as of first class grade and quality by the dairy and food commissioner.

Sec. 4. The commissioner shall, upon the request of the owner or operator of any canning factory, furnish an efficient deputy or agent for the purpose of such inspection, who shall be required to be daily at the canning factory during the canning season, to test and inspect the fruits or vegetables as they are in process of being put up and canned, and shall be required to stencil, mark or brand all cans or jars containing the canned product which he has inspected and passed upon as of first class grade and quality and entitled to be labeled and sold as "Minnesota standard," with the words "Inspected and approved," and also the name of the deputy or agent making such inspection, provided said owner or operator pay to the commissioner the sum of at least \$100 in advance for such examination and inspection, but the expense to the owner or operator of any canning factory shall not be more than \$5.00 per day during the time that the deputy or agent is in attendance at said factory for such examination and inspection.

Whoever shall, without such inspection and without authority of the commissioner, as aforesaid, use the brand or label "Minnesota standard," shall be guilty of a misdemeanor.

Whoever shall be found guilty of a misdemeanor under this act shall be punished by a fine of not less than \$30, or by imprisonment in the county jail for not less than thirty days.

Sec. 5. This act shall take effect and be in force from and after its passage.

Approved April 25, 1907.

#### CHAPTER 424—S. F. NO. 511.

AN ACT entitled "An act to prevent fraud and deception in the manufacture and sale of food and to preserve the public health, and for that purpose to confer upon the dairy and food commissioner authority to prescribe proper labels, stamps, stencils, brands and markings upon articles of food and the packages, receptacles and containers thereof."

Be it enacted by the Legislature of the State of Minnesota:

Section 1. That for the purpose of securing uni-



formity, as far as practicable, between the laws of this state and those of the federal government, enacted to prevent fraud and deception in the manufacture and sale of articles of food, and to preserve the public health, the dairy and food commissioner of this state shall have authority by ruling or rulings to require, whenever in his discretion he deems it advisable, that any article of food or the package, receptacle or container thereof, before it be sold or offered or exposed for sale or had in possession with intent to sell in this state, shall be labeled, stamped, stenciled, marked or branded in such manner as to plainly exhibit to the purchaser any or all of the following data or information, to-wit: The true composition of such food article, its quality, strength, quantity, source of its manufacture or production, and the person by or for whom the same is manufactured, produced, packed or shipped; and the said commissioner shall also have authority to prescribe by such ruling or rulings the date at which the same shall take effect and be in force, and also the form, size, style and wording of and the place, time, method, means, stamps, stencils, brands and markings. Provided, that each of such rulings shall be in writing signed by the said commissioner, and shall be kept on file in his office and be open to inspection on request; and before any such ruling shall take effect it shall be published twice in a newspaper of general circulation published in this state, and when so made and published shall, from and after the tenth day succeeding the date of the last such publication, have the force and effect of law, and an affidavit of such publication setting forth the said ruling in full and the dates of such publication thereof, shall be made by the publisher of such newspaper, or by the agent of such publisher, and shall be kept on file by the said commissioner in his office with the original of such ruling or rulings; and such affidavit of publication shall be prima facie evidence of the facts therein contained and of the said ruling and rulings therein set forth; and whenever in his discretion such action is advisable the said commissioner shall have authority to modify, change or abrogate any and all such rulings, and to

issue new rulings, but always in the manner hereinabove prescribed.

When so made and promulgated such ruling or rulings shall have the force and effect of law and to any and all such rulings sections 1774 and 1775, Revised Laws, 1905, shall be adapted and applied, and any person who shall fail to comply with such ruling or rulings of said commissioner, the test for such compliance being the provisions of section 1774, Revised Laws, 1905, adapted and applied as aforesaid, shall be deemed guilty of a misdemeanor; and the having in possession of any article which is misbranded with reference to any such ruling or rulings and within the meaning of section 1774, Revised Laws, 1905, as applied and adapted to such rulings, shall be deemed prima facie evidence that the same is kept in violation of the law; and any violation of the provisions of this act shall be deemed a misdemeanor, the punishment whereof shall be a fine of not less than \$15 or imprisonment for not less than twenty days.

Provided, however, that if a person shall fully comply with the provisions of chapter 21, Revised Laws, 1905, with reference to the labeling, marking, stenciling, stamping and branding of an article of food, but shall fail to comply with the said ruling or rulings of the commissioner which may be made with respect to such article, such person shall be exempt from prosecution hereunder.

Sec. 2. The dairy and food commissioner and his several employes shall enforce the provisions of this act, and to this act shall be adapted and applied the provisions of sections 1736, 1738, 1776, 1777, 1778 and 1779, Revised Laws, 1905, as the said sections and each of them now exist and as they may be hereafter amended; nor shall this act be construed as repealing any section or provision of chapter 21, Revised Laws, 1905. Provided, always, that any and all rulings by the said commissioner shall be subjected to the test of its reasonableness and utility in accomplishing the purposes of this act.

Sec. 3. This act shall take effect and be in force from and after its passage.

Approved April 25, 1907.

## NEW ILLINOIS LAWS PROVIDING FOR THE SANITARY CONDITION OF ICE CREAM AND BUTTERINE FACTORIES.

AN ACT relating to the manufacture of butterine and ice cream.

Section 1. Be it enacted by the People of the State of Illinois, represented in the General Assembly, That all buildings or rooms occupied by butterine and ice cream manufacturers shall be drained and plumbed in a manner conducive to the proper and healthful sanitary condition thereof, and shall be constructed with air shafts, windows and ventilating pipes sufficient to insure ventilation. The factory inspector shall direct the proper drainage, plumbing and ventilation of such rooms or buildings. No cellar or basement now used for the manufacture of butterine or ice cream shall be so occupied or used unless the proprietor shall comply with the sanitary provisions of this Act.

Sec. 2. Every room used for the manufacture of butterine and ice cream shall be at least eight feet in

height, and shall have, if deemed necessary by the factory inspector, an impermeable floor, constructed of cement, or of tiles laid in cement, or an additional flooring of wood, properly saturated with linseed oil. The side walls of such room shall be plastered and wainscoted. The factory inspector may require the side walls and ceiling to be whitewashed at least once in three months. He may also require the woodwork of such walls to be painted. The furniture and utensils shall be so arranged as to be readily cleansed, and not prevent the proper cleaning of any part of the room. The manufactured butterine and ice cream shall be kept in dry and airy rooms, so arranged that the floors, shelves and all other facilities for storing the same can be properly cleaned. No domestic animal shall be allowed to remain in a room where butterine or ice cream is manufactured or stored, and no water closets or ash pit shall be within or connected



with the rooms used in the manufacture of butterine or ice cream.

Sec. 3. The state factory inspector shall cause such manufactories to be inspected. If it be found, upon inspection, that the manufactories so inspected are constructed and conducted in compliance with the provisions of this Act, the factory inspector shall issue a certificate to the persons owning or conducting such manufactories.

Sec. 4. If, in the opinion of the state factory inspector, alterations are required in or upon premises occupied and used as butterine and ice cream manufactories, in order to comply with the provisions of this Act, a written notice shall be served by him upon the owner, agent or lessee of such premises, either personally or by mail, requiring such alterations

to be made within sixty days after such service, and such alterations shall be made accordingly.

Sec. 5. Any person who violates any of the provisions of this Act, or refuses to comply with any of the requirements as provided herein, of the factory inspector or his deputy, who are hereby charged with the enforcement of this Act, shall be guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not less than fifty dollars (\$50.00) nor more than two hundred dollars (\$200.00), nor more than five hundred dollars (\$500.00) for the second offense, or imprisonment for not more than thirty days, and for a third offense by a fine not less than five hundred dollars (\$500.00) nor more than sixty (60) days' imprisonment, or both.

Approved June 3, in effect July 1, 1907.

F. I. D. 69.

Issued May 22, 1907.

## United States Department of Agriculture

### OFFICE OF THE SECRETARY

#### BOARD OF FOOD AND DRUG INSPECTION

### FOOD INSPECTION DECISION 69.

#### Inspection of Food and Drugs and Identification of Inspectors.

In connection with the enforcement of the food and drugs act, June 30, 1906, inspectors of the Bureau of Chemistry will visit establishments in which food and drug products are manufactured, stored, or sold. They will make report to the Bureau regarding conditions of manufacture and will take samples wherever it is desired, paying the regular prices for such samples.

In case the report of the inspector, or the examination of the sample taken by him, discloses a violation of the law, no action will be taken until the dealer or manufacturer has been notified and afforded a hearing before the Board of Food and Drug Inspection. The preliminary hearing in each case may be held before the chief of the laboratory making the examination. In case of an adverse decision the recommendation of the chief of the laboratory, together with a digest of the testimony, must be submitted to the Board of Food and Drug Inspection for final action.

According to Regulation 5 (a)—

"The parties interested therein may appear in person or by attorney and may propound proper interrogatories and submit oral or written evidence to show any fault or error in the findings of the analyst or examiner."

It is held that the interested parties need not necessarily appear in person or by attorney, but, instead, may submit a brief to the Board of Food and Drug Inspection stating their side of the case.

If the results of the inspection and examination indicate that the law has not been violated, or if it is believed by the Department that prosecution is unwarranted because of irregularity of sample, or for other reason, the dealer will be notified that no further

action will be taken with reference to that sample.

No information will be given in any case by an inspector or branch laboratory of the Bureau of Chemistry regarding the report of an inspection of a factory or the result of an analysis. No statement will be made at any time except as mentioned above regarding the analysis of a sample that is found to be in accordance with the law. No certificate of analysis will be given, and no report other than the notice of a violation of the law referred to above. *Requests for reports upon samples taken will be answered by a copy of this decision.*

The following form for the identification of inspectors has been adopted:

UNITED STATES DEPARTMENT OF AGRICULTURE,

Washington, D. C.,....., 190

This is to certify that....., whose photograph appears opposite, is authorized to inspect establishments manufacturing and dealing in food and drugs and products entering into their manufacture, under the food and drugs act, June 30, 1906.

This authorization expires.....

....., Secretary.

In addition to the above, the form includes a photograph of the inspector, the whole bound in a stiff cover.

H. W. WILEY,  
FREDERICK L. DUNLAP,  
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,  
Secretary of Agriculture.

WASHINGTON, D. C., May 14, 1907.

F. I. D. 70-72.

Issued May 25, 1907.

## United States Department of Agriculture

### OFFICE OF THE SECRETARY

#### BOARD OF FOOD AND DRUG INSPECTION



## FOOD INSPECTION DECISIONS 70=72.

70. Abuse of Guaranty for Advertising Purposes. 71. Labeling of Succotash. 72. Use of Guaranties and Serial Numbers Thereof.

(F. I. D. 70.)

**Abuse of Guaranty for Advertising Purposes.**

The attention of the Department has been called repeatedly of late to the abuse, for advertising purposes, of the serial number assigned to a guaranty. The Department of Agriculture accepts no responsibility for the guaranty which the manufacturer or dealer files. Particular attention must be paid to the fact that it must neither be directly stated nor implied in any fashion that the Department of Agriculture or the United States Government guarantees or indorses the products to which the guaranty and serial number are attached. *The guaranty represented by the serial number is the guaranty of the manufacturer and not of the Government.*

To facilitate business a serial number is assigned to this guaranty, and the guaranty is filed in the Department of Agriculture for the purpose of verifying the serial number when it is used on packages of goods.

The misuse of the serial number is a misrepresentation, and in each case of such an abuse the serial number will be withdrawn and the guaranty returned after proper notice. Serial numbers, however, which have been issued and passed into commerce prior to withdrawal will be respected by the Department in any action which may be brought against dealers selling goods bearing the number which is improperly used.

The attachment of the serial number or guaranty to articles which are not foods or drugs is also regarded as a misrepresentation on which a similar action will be based.

H. W. WILEY,  
FREDERICK L. DUNLAP,  
GEO. P. McCABE,

*Board of Food and Drug Inspection.*

Approved:

JAMES WILSON,

*Secretary of Agriculture.*

WASHINGTON, D. C., May 14, 1907.

(F. I. D. 71.)

**Labeling of Succotash.**

A manufacturer writes as follows:

"We respectfully call your attention to the canned article known as succotash, which is composed of green sweet corn and lima beans. Both dried and green beans are used. The question to which we desire an answer is this: Is it sufficient to call the product 'Succotash'?"

The word "succotash," if used without qualification, is understood to imply that the product designated is composed of green sweet corn and green beans. If soaked beans or soaked corn (i.e., dried beans or corn softened in water) are employed, the name should be accompanied by declaration of that fact, such declaration to be in type not smaller than eight-point (brevier) capitals.

H. W. WILEY,  
FREDERICK L. DUNLAP,  
GEO. P. McCABE,

*Board of Food and Drug Inspection.*

Approved:

JAMES WILSON,

*Secretary of Agriculture.*

WASHINGTON, D. C., May 14, 1907.

(F. I. D. 72.)

**Use of Guaranties and Serial Numbers Thereof.**

A misapprehension exists as to the requirements of the regulations for the enforcement of the food and drugs act, June 30, 1906, in regard to placing the serial number on articles manufactured by persons who have filed a guaranty with the department and to whom a serial number has been issued identifying the said guaranty. Many have the impression that if a guaranty be filed the serial number which is assigned thereto must be used on all foods or drugs manufactured by them.

Regulation 9 provides two general methods of guaranty. The first is described in subdivision (b) of Regulation 9, as follows:

"(b) A general guaranty may be filed with the Secretary of Agriculture by the manufacturer or dealer and be given a serial number, which number shall appear on each and every package of goods sold under such guaranty with the words, 'Guaranteed under the food and drugs act, June 30, 1906.'"

The second is described in subdivision (d) of Regulation 9, as follows:

"(d) If the guaranty be not filed with the Secretary of Agriculture as above, it should identify and be attached to the bill of sale, invoice, bill of lading, or other schedule giving the names and quantities of the articles sold."

The statement in subdivision (b), that when a guarantor is assigned a serial number the said number shall appear, should not be construed as mandatory. The meaning is that if a manufacturer wishes to make effective the guaranty filed with the Department, he must place the legend and serial number on his goods, otherwise no protection is afforded to his customers in the absence of a special agreement or the alternative as provided in subdivision (d) of Regulation 9.

Regulation 9, in its entirety, is intended to provide for the enforcement and administration of section 9 of the food and drugs act, which reads as follows:

"SEC. 9. That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such article, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act."

A study of the law in connection with the regulations makes it apparent that the intention is to provide



a means whereby the manufacturer can assume responsibility under the law for the character of the goods manufactured by him, after they have passed out of his possession into the hands of the person who purchased them from him. In no case is a guaranty a good defense, unless it be from the person who sold the goods to the person offering the guaranty as a defense. In order to simplify the procedure, the Department volunteers to act as custodian of the guaranty, which is an offer on the part of the manufacturer to free dealers, reselling his goods, from responsibility, under the law, for possible misbranding or adulteration. In order that the guarantor may convey this intention on his part to purchasers of his goods, a serial number is assigned to such guarantor, and by placing this number on his goods he fixes his responsibility. Whether he desires to enter into an agreement of this kind with the purchaser of his goods is

F. I. D. 73.

a matter wholly within his discretion, and he can use the serial number or not for this purpose, as he may please. The use of the number will save the trouble of individual guaranties with each individual transaction or each individual customer. In other words, the label itself will carry notice that the manufacturer holds himself responsible, under the law, to the persons who purchase goods directly from him, for any misbranding or adulteration.

H. W. WILEY,  
FREDERICK L. DUNLAP,  
GEO. P. McCABE,  
*Board of Food and Drug Inspection.*

Approved:

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 17, 1907.

Issued May 25, 1907

## United States Department of Agriculture

### OFFICE OF THE SECRETARY

#### BOARD OF FOOD AND DRUG INSPECTION

#### FOOD INSPECTION DECISION 73.

##### **Interstate Transportation of Imported Meats and Meat-Food Products.**

Regulation 64 of the Regulations Governing the Meat Inspection of the United States Department of Agriculture (Amendment No. 10 to B. A. I. Order No. 137) provides as follows:

"Imported meats and meat-food products which have not been mixed or compounded with or added to domestic meats may be transported by any common carrier from one state or territory or the District of Columbia to any other state or territory if the packages containing them shall be marked 'Inspected under the food and drugs act, June 30, 1906,' and are so marked when received for transportation."

It is held that packing cases, boxes, or other coverings containing imported meats or meat-food products in the original true containers which have not been

mixed or compounded with or added to domestic meats may be marked with the legend "Inspected under the food and drugs act, June 30, 1906," by the shipper. *The interstate transportation under this legend of domestic meats and meat-food products or of imported meats and meat-food products which have been mixed or compounded with or added to domestic meats will subject both the shipper and the carrier to heavy penalties.*

H. W. WILEY,  
FREDERICK L. DUNLAP,  
GEO. P. McCABE,  
*Board of Food and Drug Inspection.*

Approved:

JAMES WILSON,  
*Secretary of Agriculture.*

WASHINGTON, D. C., May 21, 1907.

##### **NEW FOOD REGULATIONS OF SOUTH DAKOTA'S FOOD AND DAIRY COMMISSION, IN EFFECT JULY 1 1907.**

###### COMMISSIONER'S RULINGS ON FLAVORING EXTRACTS.

All Flavoring Extracts must be labeled true to name and without any deception whatever. The labels must state in every instance the per cent of alcohol per volume used in their manufacture. No methyl alcohol allowed.

Lemon Extract must carry five per cent by volume of true oil of lemon, double extracts ten per cent, and triple extracts fifteen per cent. No coloring except that derived from lemon peel allowed.

Terpeneless Lemon Extract must be labeled "Imitation Lemon Extract, Terpeneless." No coloring allowed. The word "Terpeneless" must be in the same sized type as the words "Imitation Lemon Extract."

Spurious Lemon Extracts made from such substances as lemon grass oil, citronella, etc., are illegal under any circumstances and their sale will not be allowed.

Vanilla Extract must be made wholly from vanilla

beans extracted with forty per cent alcohol. No artificial coloring allowed. Each 100 cubic centimeters in the single extract must carry the extractive matter from 10 grams of vanilla beans, double extracts twice and triple extracts three times that amount. Sugar and glycerine may be used or not in the preparation of true vanilla extract as the manufacturer elects, but no alkali must be used. No foreign resins or artificial vanillin is allowed.

Tonka Extract must be made wholly from tonka beans extracted by forty per cent alcohol and must contain at least 0.1 per cent coumarin derived from tonka beans together with the proportional amount of other extractives occurring in tonka beans. No artificial coloring, foreign resins, alkali, or artificial coumarin allowed.

Vanilla and Tonka Extract must be prepared from vanilla and tonka beans only and in accordance with the two preceding rulings. The words "Vanilla" and "Tonka" must be printed in equal sized type.

Compound Extracts.—Any extract made by adding artificial vanillin to vanilla extract must be labeled



"Compound Vanilla Extract." No artificial coloring or resins allowed. Similarly an extract made by adding artificial coumarin to tonka extract must be labeled "Compound Tonka Extract" with the same prohibitions.

Artificial Vanilla Extract is made by dissolving artificial vanillin in alcohol and must be so labeled. The per cent alcohol employed is not fixed, but the label must state the per cent alcohol employed. No coloring matter allowed.

Artificial Tonka Extract is made by dissolving artificial coumarin in alcohol and must be so labeled. Same restrictions as in preceding.

An extract made by dissolving artificial vanillin and artificial coumarin in alcohol must be labeled "Artificial Extract Vanilla and Tonka." No coloring allowed and same restrictions as in the case of single artificial extracts.

Orange Extract must carry five per cent true oil of orange. No coloring except that derived from orange peel allowed.

Terpeneless Orange Extract must be labeled "Imitation Orange Extract, Terpeneless," and must correspond in flavoring strength to Orange Extract. No coloring allowed.

Almond Extract must be free from hydrocyanic acid and must carry at least one per cent true oil of bitter almonds.

Artificial Extracts made to resemble pineapple, strawberry, raspberry, banana, blackberry, etc., etc., must be labeled "Artificial Strawberry Extract," "Artificial Pineapple Extract," etc., etc., as the case may be. No artificial coloring allowed and no statement or design must appear on the label whereby the purchaser may be misled into believing them prepared from the natural fruits.

Miscellaneous Extracts.—All other extracts must be true to name and be made from the proper essential oils.

A. H. WHEATON,

Food and Dairy Commissioner.

Brookings, South Dakota.

RULINGS OF THE COMMISSIONER ON INTOXICATING LIQUORS, TO GO INTO EFFECT JULY 1, 1907, IN ACCORDANCE WITH CHAPTER 121, SESSION LAWS OF 1895, STATE OF SOUTH DAKOTA.

1. No coal tar colors or prohibited preservatives are permitted in any malted, fermented or distilled liquors used as a beverage or for medical purposes.

2. No malted, fermented or distilled liquors shall contain any poisonous metallic salts, any methyl alcohol, or any antiseptic forbidden by section 33, H. B. 292, Session Laws of 1907.

3. No class of whisky under 90 per cent proof shall be allowed, and all bottled whiskies shall bear the label: "Guaranteed not to be under 90 per cent proof, together with a true statement of the quantity of whisky the bottle contained."

4. The minimum percentage proof for distilled liquors other than whisky shall be as follows: Brandy, 90 per cent; rum, 90 per cent; gin, 80 per cent.

5. The minimum percentage of alcohol for wines shall be 10 per cent. Traces of sulphurous acid employed in disinfecting the wine barrels not to exceed 20 parts per million is permissible. Bottled wines must declare on the label the name and address of the producer. Wines in kegs and barrels must carry the

name and address of the producer on the container, and in all cases, if a geographical name is used, the wine must have been produced where the name implies.

6. All distilled liquors sold in bottles must carry on the label the true name and address of the manufacturer or rectifier and the bottler, together with a truthful statement of the exact quantity of liquor which the bottle contains. All liquors in larger packages, such as kegs, barrels, etc., must be plainly stamped or stenciled with the name and address of the manufacturer or rectifier. No misleading geographical names allowed.

7. Sweetened goods, such as Tom Gin, and Rock and Rye, must bear a label showing the real or actual proofage of the goods which must, in all cases, be the required proofage as indicated in Rulings 3 and 4, together with the name and address of the manufacturer or rectifier and bottler, and a truthful statement of the exact amount of liquor the bottle or package contains. The actual (not apparent) proofage will be determined by chemical analysis.

8. All other liquors not heretofore specifically mentioned, such as blackberry brandy, cordials, bitters, etc., must be pure and free from coal tar dyes or any harmful ingredients or prohibited preservatives, and the labels thereon must bear the name and address of the manufacturer.

9. Whiskies must be classified and labeled or designated as follows:

First—Straight or two-stamp whisky is entitled to the name "Whisky" without any qualifying word except those usually used to designate the kind or brand.

Second—Whisky made by mixing two or more straight whiskies must be labeled "Blended Whisky."

Third—Whisky made by mixing straight whisky with neutral spirits or alcohol and to which harmless coloring or flavoring has been added must be labeled "Compound Whisky." No whisky containing less than 50 per cent straight whisky shall be entitled to the name "Compound" and every bottle, barrel or container must carry the label, "Guaranteed to contain not less than 50 per cent straight whisky."

Fourth—Whisky made from neutral spirits and harmless coloring and flavoring must be labeled "Imitation Whisky." No drugs of any description are allowed.

A. H. WHEATON,

Dairy and Food Commissioner.

Brookings, South Dakota.

**BULLETIN NO. 25. MINNESOTA STATE DAIRY AND FOOD COMMISSION.**

The recent legislature passed several laws and amendments to existing laws which affect the manufacture and sale of foods in this state. The attention of the parties interested is called to the following new laws:

Chapter 384 gives the commissioner and his employes authority to seize any unwholesome food or dairy products or in his or their discretion to render the same unsalable for use as food.

Chapter 424 authorizes the commissioner to formulate rulings requiring certain labels on food products for the purpose of securing uniformity between the food laws of this state and the laws of the Federal government.

Chapter 455 provides for the inspection of canning



factories and fixes a grade for "Minnesota standard" canned goods. It provides that an inspector of the department must be present while the goods are being packed. The expense of such inspection is to be borne by the canner.

Chapter 124 provides that all ice cream manufactured and sold within the state must contain not less than twelve per cent by weight of butter fat, and must not be colored to make the article appear better than it really is. The use of all injurious ingredients is prohibited in its manufacture.

Chapter 383 provides for the inspection of concentrated commercial feedstuffs. This is the famous "stock food bill" which caused so much discussion during its consideration.

Chapter 421 is the new paint law which requires that the true ingredients of all paints shall be plainly printed on the labels of all paint packages.

Amendments to the present laws are as follows:

Chapter 237 prohibits the sale of adulterated spices. Heretofore adulterated spices have been sold when labeled "Mixture and Adulterated."

Chapter 258 includes among the prohibited ingredients in foodstuffs, coal tar dye and saccharin.

Chapter 337 amends the present milk and cream license law so that parties keeping not more than three cows are exempted from the provisions of the law. Heretofore the exemption has been one cow.

Chapter 347 reduces the required percentage of acetic acid in vinegar from 4.5 per cent to 4 per cent. The latter is the standard set by the Federal authorities.

Under Chapter 424 rulings will be issued which will secure uniformity between the label provisions of the state and Federal laws. An article labeled to comply with the Federal pure food and drugs act should be allowed on sale within the state without further label requirements provided that it does not contain ingredients specifically prohibited by our state laws. Additional state requirements only tend to confuse the manufacturer and adds to the cost of production which must be borne by the consumer without giving him added protection.

EDWARD K. SLATER,  
Commissioner.

### WHISKY DECISION REVIEWED.

At the request of the President, Attorney General Bonaparte granted another hearing to the blenders and considered some additional information submitted by both parties in the controversy and sustained his previous opinion as published in full in THE AMERICAN FOOD JOURNAL of last month.

The new decision, or rather, the presentation of additional arguments sustaining the old decision, is as follows:

"The President: In accordance with your instructions, I gave a hearing on Wednesday, May 15, to persons desiring to submit to the department criticism, or other comment, on my opinion of April 10 last past, as to the construction of Section 8 of the act approved June 30, 1906, and generally known as the pure food law. About thirty persons appeared on this occasion, and a number of oral arguments were presented, some critical and some approbatory of the opinion in question.

"At the conclusion of this argument I announced my willingness to receive and consider any matters in

writing which might be submitted to me touching its subject-matter, and, in response to several requests for a further hearing, stated that I would give these requests due consideration and announce later whether I saw any sufficient reason to comply with them. As heretofore stated to you verbally, I do not think any useful purpose would be served by another oral argument, and, with your approval, I have, therefore, announced that, in this respect, the matter must be considered closed.

"I received a large number of written communications from various persons commenting on the opinion in question, and I have carefully considered all of them. I find no reason to withdraw the said opinion, or to modify it in any respect, and I respectfully report that, in my judgment, this opinion correctly states the law on the subject to which it relates.

### MATTER OF COURTESY.

"As a matter of courtesy, however, to the gentlemen who have favored me with their views, and to remove some misapprehensions which seem to exist respecting the opinion in question, I think it appropriate to further consider in this final report some of the questions discussed at the oral hearing, and in the written communications hereinbefore stated. It seems to be thought by some of the critics of the opinion heretofore rendered that I considered myself bound by the definition of 'whisky' adopted by the Department of Agriculture contained in the papers heretofore submitted to me, and, therefore, that the correctness of the opinion, in so far as this depended upon an accurate definition of the word in question, would be successfully impeached by showing an error on the part of the said department in its said definition.

"This view misapprehends the purport of the opinion. In point of fact, while stating in substance that I held the definition in question to be accurate for all purposes directly material to the subject under discussion, I yet ventured to respectfully question its entire accuracy, because in the words of my opinion it was not quite broad enough to meet the general intent of the law of 1906.

"Of course, if the proper definition of 'whisky' were a question of fact, this department would be bound by the statements on the subject contained in the papers submitted to it when instructed to furnish an opinion; but I do not consider this a question of fact.

"When the words are used in a technical or conventional sense, their proper definition must be established by evidence and found by a tribunal appropriate to pass upon the questions of fact; but when the words are used in their ordinary meaning, then, in the words of Mr. Justice Gray, in *Nix vs. Hedden* (149 U. S. 306), 'of that meaning the court is bound to take judicial notice as it does in regard to all words in our own tongue and upon such a question dictionaries are admitted, not as evidence, but only as aids to the memory and understanding of the court'; that is to say, in the language of the Chief Justice in *Sonn vs. Magone* (159 U. S. 421), the interpretation of words of common speech is within the judicial knowledge and matter of law.'

### QUESTION OF LAW.

"In the first of these two cases the Supreme Court held it to be a question of law whether tomatoes were fruit or vegetables; in the second, whether dried lentils and white beans were vegetables or seeds; as it has



previously determined in *Marvel vs. Merritt* (116 U. S. 11) that iron ore was a mineral substance. I think, therefore, the proper definition of 'whisky' for the purpose of the pure food law is a question of law, it being, to my mind, quite clear that for these purposes the term is to be given its ordinary significance as a word of every-day speech, and is not to be understood in any commercial or scientific sense, as it might be by a distiller, or rectifier, a chemist or a physician.

"For the purposes of my opinion, I had to determine its proper definition just as in *Eureka Vinegar Company vs. Gazette Printing Company* (35 Fed. 570) the court had to determine the definition of 'cider,' and as in *U. S. vs. Ash* (75 Fed. 652) the court took judicial cognizance of what was 'whisky,' and even of what was a 'whisky cocktail.'

"In establishing the meaning of 'like substances,' as used in the pure food law, to determine whether a mixture shall be properly called a 'blend' or a 'compound,' I was able to find no judicial authority which appeared to me sufficiently in point to make its citation appropriate. The essential meaning of 'like,' as here used, is evidently 'of the same class,' and on what this class includes must depend the purpose of the classification, or, in other words, 'the ends of law.'

#### SERVICEABLE NOMENCLATURE.

"The primary aim of the pure food law, as explained in my previous opinion, is, in my judgment, to secure an accurate and serviceable nomenclature for articles of food and its construction is, therefore, governed by rules in some respects different from those applicable to statutes passed for wholly different purposes, as for example, laws imposing duties on imports; therefore, although my attention had been called, even before the hearing on May 15, to certain decisions of the Supreme Court constructing the phrase 'of similar description,' which may be assumed argumenti grata to be synonymous with 'like,' I did not consider it necessary, in that opinion, to cite or discuss these decisions.

"It may be, however, well for me to here point out that if they are to be regarded as authorities relevant to the question considered in this connection in the previous opinion, namely, whether ethyl alcohol and whisky are 'like substances,' they appear to fully sustain the conclusion therein announced. In *Greenleaf vs. Goodrich* (101 U. S. 278) and *Schmieder vs. Barney* (113 U. S. 646) the Supreme Court held that the similarity required by this designation is 'a similarity in respect to the product and its adaptation to uses and to its uses, and not merely to the process by which it was produced,' and that the material question to be determined in each case would be whether 'the goods were or not substantially the same or substantially different.'

#### SUBSTANTIALLY DIFFERENT.

"Now, I think it quite clear that, while there may be a similarity in the processes whereby whisky and ethyl alcohol, respectively, are produced from grain mash, alcohol and whisky are not according to the common understanding of the general public similar in their respective adaptation to uses and their respective uses in fact. I believe that according to the first thought of an ordinarily intelligent and well-informed man, whisky is adapted for use, and is used, as a beverage, and alcohol is adapted for use and used, in medicine or in the arts, and I am satisfied that such a man, if asked the question, would, in a great majority

of instances, reply without hesitation that alcohol and whisky were substantially different and not substantially the same things.

"It was developed at the hearing before me that some, at least, of the dealers in whisky, who questioned the correctness of my opinion, claimed that ethyl alcohol and whisky are not, merely 'like,' but identical; that whisky is ethyl alcohol and ethyl alcohol is whisky. Their argument was, in substance, that ethyl alcohol was whisky from which certain congeneric substances, termed by them 'impurities,' had been removed, and whisky was ethyl alcohol in which these 'impurities' had been allowed to remain, or to which some substitute for them had been added.

"Now, it is obvious that 'impurities' is a question-begging term, and, if it be admitted that substances so designated are really congeneric with the whisky, it is an illogical, and, therefore, an inappropriate designation. Pearls in an oyster may be the result of disease or injury to the animal, but when we are speaking of 'pearl-bearing oysters,' they constitute a very important portion of the idea thus expressed. If the so-called 'impurities' are an essential part of whisky, or, in other words, if, in the language of the definition of the Department of Agriculture, they 'give character to the distillate,' then it is as inaccurate to describe a substance destitute of them as 'purified' or 'rectified' whisky as it would be to speak of sugar and water as 'lemonade without lemons.'

#### AS TO THE DEBATE.

"To show how the Congress intended the Pure Food Law, and especially the provisions as to 'like substances,' 'blends' and 'compounds,' to be construed, my attention has been called to remarks of speakers in debate on the bill, and to proceedings before committees of one or the other house of Congress. In the language of Mr. Justice Peckham, in *U. S. vs. Trans-Missouri Freight Association* (166 U. S. 318) 'there is a general acquiescence in the doctrine that debates in Congress are not appropriate sources of information from which to discover the meaning of the language of a statute passed by that body. . . . The reason is that it is impossible to determine with certainty what construction was put upon an act by the members of a legislative body that pass it, by resorting to the speeches of individual members thereof. Those who did not speak may not have agreed with those who did; and those who spoke might differ from each other; the result being that the only proper way to construe a legislative act is from the language used in the act, and, upon occasion by a resort to the history of the times when it was passed.'

"Thus construed, there would seem to be little difficulty in determining the purpose of the Congress in restricting the use of the word 'blend' to a mixture of 'like substances,' supposing, of course, that this provision was inserted with a view, *inter alia*, to the labeling or branding of whisky.

#### WELL-ESTABLISHED PROCESSES.

"The Congress must be presumed to have legislated with reference to well-established processes in the manufacture and sale of distilled spirits. There can be no doubt that, according to such practice, 'straight' whisky was mixed only with two substances, besides mere coloring and flavoring materials, namely, with 'straight' whisky of another kind, and with ethyl alcohol.

"There is an evident intent on the face of the stat-



ute to confine the use of the word 'blend' to one kind of mixture, and, since the Congress must be supposed to have legislated with regard to existing facts, and, consequently, since the mixture to which it intended to deny the designation 'blend' must be either a mixture of two different kinds of whisky, or a mixture of whisky with the other substance generally mixed with it—namely, ethyl alcohol—it follows that, unless we are prepared to say that ethyl alcohol is more 'like' whisky than one whisky is to another, it is reasonable to conclude that the Congress intended to deny the designation 'blend' to a mixture of whisky and ethyl alcohol.

"If this provision was, in fact, inserted with some reference to whiskies (which seems to be generally assumed as a fact by both sides to this controversy), then it is impossible to see why the provision as to blends and compounds was inserted at all, if the Congress considered whisky and ethyl alcohol to be 'like substances.'

#### NOT "LIKE SUBSTANCES."

"So far as I am informed, no combination of whisky with another substance was manufactured and sold, either as a 'blend' or otherwise, when the Pure Food Law was enacted, to which the designation 'blend' could be denied, or which could be properly labeled a 'compound,' if the Congress held ethyl alcohol to be a 'like substance' to whisky. I have found, therefore, no difficulty in concluding that, according to all the well-established canons of statutory construction, these two kinds of spirits are not to be considered 'like substances' for the purposes of the Pure Food Law.

"Of course, if the Congress thinks they should be, effect can be readily given to the legislative will by an amendment of the law. However, having given a very patient and careful consideration to the entire subject, I respectfully advise you that, as above stated, the opinion already rendered must stand as that of the department. and I suggest that parties whose interests may suffer from the administration of the law as thus determined take, as soon as may be practicable, appropriate measures to obtain a judicial determination of the questions involved. I remain, sir, yours respectfully,

"CHARLES J. BONAPARTE,  
"Attorney General."

#### "WISCONSIN LAWS AND THEIR IMPERFECTIONS AND LIMITATIONS."

By G. A. Bading, Commissioner of Health for Milwaukee.

The pure food law now in force in Wisconsin has had a salutary effect, but the law never will be as effective as it ought to be until it makes provision for the publication of the names of brands found adulterated.

Many of the more flagrant offenders have been driven from this state by the law, but others have been able to cover impurities and adulterations by changing labels and by the failure of the law to give the state food and dairy commissioner the authority to make public in the newspapers the results of his investigations.

#### SHOULD PUBLISH IMPURE FOODS.

"I would like to see things done here as they are in North Dakota. Almost every paper you pick up in North Dakota contains reports of the state dairy and

food commissioner on impure food products that have been analyzed and found adulterated with harmful drugs or preservatives. The names and makers of these products are fully set forth in these reports as well as the ingredients of the goods which the analysis showed. As it is in Wisconsin only a few are able to have access to the reports of the commissioner and as a consequence only a few know what brands to avoid.

"Wisconsin has led the way for the other states in reform legislation, but some of the other states have gone so far beyond the mark we set that whereas we were once denounced and abused as radicals and anarchists we now are hailed as conservatives and held up to other states for imitation. I hold that we ought to continue to train in the radical class, especially in the way of pure food and health legislation.

#### FOR REAL STATE HEALTH COMMISSION.

"In the first place we ought to have a state commission of health that is a commission. As it now stands the state health commission's powers and duties are so limited by law that there is practically nothing that it can do. There ought to be a state health commissioner who will be so well paid and who will have such powers and duties as will keep him busy all the year around just attending to the job of promoting the health and physical well being of the people of the state. There are a thousand things for such commissioner to do, which now cannot be done because of the condition of our health laws.

"For instance, there is the ever-growing evil of tuberculosis. What is Wisconsin going to do in an official way to stay the destroying progress of the white plague? Nothing worth mentioning. Last week, when statistics were desired for the tuberculosis exhibition, it was found necessary to appeal to the health commissioner of Minnesota. Our commission hadn't the data we required. There is but one public sanatorium, for other than indigent patients, in the whole state, and we ought to have a dozen. The fact is, Wisconsin is far behind other states on this tuberculosis problem and we suffer quite as much loss of valuable citizenship as other states.

#### LEGISLATURE NEGLECTS HEALTH BILLS.

"If a band of Indians or brigands carried off 400 or 500 of our people every year, year after year, don't you think that the state legislature would find a way of stopping them? You bet it would, or the people would find out why, mighty quick. And yet 400 or 500 citizens of Milwaukee are carried off every year by tuberculosis, and year after year the proportion has increased instead of decreased. It is high time that Wisconsin caught up with the procession in the matter of remedial tuberculosis legislation.

"I am one of those 'misguided cranks' who hold that the physical health of the country is vastly more important to that country than even the equitable adjustment of railroad rates or the revision of the tariff. In this country we are suffering a loss of \$400,000,000 annually through the ravages of consumption. The operations of Harriman and Standard Oil and all the brigands of high finance put together look small and pitiful compared with these figures. And they are conservative.

#### NEED OF NATIONAL HEALTH BOARD.

"The problem of public health will never be properly cared for until this country has established a national department of health with ample powers and appro-



priations to see that states and cities observe the ordinary laws of health. Take, for instance, the water supply of great cities. The time is coming—it is at hand in many cities—when filtration plants will be an absolute necessity. I know that it will be urged that the federal government has not the power to interfere in state or municipal government. We all know that. But the federal government has jurisdiction over navigable lakes and waterways.

“Granting that the government has the supervisory control over the great lakes and rivers, what is to prevent the adoption of a law forbidding cities and towns on such lakes or rivers to discharge sewage and refuse into the lakes or rivers, unless a filtration plant is installed to offset contamination resulting from that sewage? If such provisions were made by a national department of health, you may be sure that they would be obeyed.”

“MOTHER, I WONDER IF OUR BOY IS SAFE IN CHICAGO”



### THE WILEY PIE!

Dr. Wiley's publicity bureau has been working overtime this month. The Hundred Year Club; the state-

ment that we should not masticate meats, but gulp them down whole as animals do, which statement we will not swallow whole until confirmed by our *Chief*



*Magistrate*, who is something of an animal authority himself; the perplexities of the succotash situation have all served their purpose and been forgotten.

The latest sensation is the condemnation of pie because, forsooth, some varieties made from so-called "pie filler" may contain sodium benzoate as a preservative.\* A plain statement of fact would scarcely get into the newspapers; garnished with "scientific pleasantries" or "statements which would enliven what would otherwise be a very dull statement," they will gain display headings on the outside page—in some papers in red ink.

Following is the editorial comment of the Chicago Tribune on the pie question, which indicates that that newspaper is beginning to look at the question of the state's supremacy in local matters in much the same light as does the AMERICAN FOOD JOURNAL:

#### THE STATE AND THE PIE.

Forty-five sovereign states may rise in their might and wrath to inquire what Dr. Wiley and the Department of Agriculture have to do with the preparation and consumption of the pie of the commonwealth. The announcement has been made that at the instigation of some dyspeptic the chief chemist of the department has been selected to head a commission to look into benzoate of soda as a deleterious pie ingredient and to put, if necessary, various pie fillers under the ban. On the one hand this seems to be a prudent and reasonable movement; on the other it is an unwarranted invasion of state rights.

Nobody should be so fatuous as to claim that the pie eater needs no protection, and that the present generation is not fairly entitled to the pies such as mother used to make and father used to eat. One great virtue of pie is its integrity, or, as the astonished city boy exclaimed in the play of New England life, "pie all the way through." Artificial preparations, cheap dodges, unworthy pastry tricks, base and sordid substitutions—all these are to be despised and condemned. If benzoate of soda is projected into the human system in harmful quantities and contrary to the ethics of pure and stimulating pie, it should receive the attention of the proper authorities and be exposed and scorned accordingly.

But it is not clear that pie, even spurious and injurious pie, is a subject of interstate commerce and therefore to be regulated at Washington. The pies made in this as in other cities are consumed at home and are not sent across state lines. It is not believed that the most illustrious squash and pumpkin varieties are put up in Vermont or Connecticut and shipped to Illinois or Minnesota as a cure for that homesick feeling and a glad reminder of childhood. Therefore Washington is meddling in an affair in which it has merely a paternal interest and, so far as the great underlying principles of pie are concerned, it may deal only with such "fillers" as are artfully used by the baser breed of pie distributors. And yet, if it is discovered that the fine art of piemaking has been prostituted to unworthy ends, and that the public taste is becoming vitiated through reason of ignoble imitations, it may sound a general warning and the sovereign states may profit thereby.

Illinois has a pure food commissioner who ought to be qualified to inquire into the mysteries of benzoate of soda, to uphold the integrity of pie as made by local manufacturers, and to see that the genuine article is provided for the public table. To him four

million pie eaters, more or less, look for the conservation of their privileges and the incorruptibility of their dessert, known in restaurants as "anything else?" It is for him to safeguard Illinois pie for Illinoisans and to hurl the majesty of the law against all deceivers in the pie trust who have departed from venerated and long-cherished traditions. Meanwhile it may be Washington's duty and pleasure to preserve its vigilance that no pie, scorned by Illinois, is spirited across the border to make glad or tragic an Indiana holiday.

\* \* \*

The Kansas City Post comments on the subject after this fashion:

#### DOCTOR, SPARE THAT PIE!

Doctor Wiley, the pure food expert and hired iconoclast of the Agricultural Department, has volleyed and thundered against pie, the pie of commerce and the pie unlike anybody's mother used to make, or in case she did make, it was immediately consigned to the swill barrel.

But the pie expert must be careful and not lay impious hands upon all pie not 18 karats fine nor 75 per cent proof. The great distinctively American delicacy should not be ruthlessly tabooed and incontinently banished from the tables and lunch counters in the United States upon the supported word and dictum of one so prejudiced against impure food as Doctor Wiley. True, he is trying to make a record in improving the food and saving the stomachs and lives of the American people, but to banish pie, even the pie of commerce, made by machinery, and in so far as the ingredients are concerned, made from everything less deadly than prussic acid and more wholesome than Paris green, is a blow at a time-honored institution and an innovation likely to be resented from Cape Cod to Point Indigestion.

The food expert intimates that the pie of commerce would kill a hired man offhand at 500 yards, and that the benzoate of soda with which it is loaded, is as deadly in its effects as a policeman's patronage of a dago's fruit stand.

But the merely academic abstraction of trying to save human lives will not compensate for the uprooting of pie from the stomachic gardens of the American consumer. Pie has become such a necessary article upon restaurant menus and such an expected "course" at all ill-regulated dinings that to banish it now would work irreparable confusion to dinner-givers and break up an industry as old, and in point of importance, next to the high protective tariff itself.

As Dr. Wiley seems to hold carte blanche in the matter of pie, it is not improbable that he will use his authority in high-handedness to save us from ourselves and prolong our miserable lives far beyond the Osler period, and, therefore, it will be utterly useless to cry aloud,

"Physician, spare that pie!"

#### FIGS FOR CAKE.

Fig cake and fig fillings for cake are too often only a partial success because the figs are not properly prepared. The figs should be washed and cut in small pieces, then stewed in a little water to which a tablespoonful of sugar has been added. If to be used in cake the pieces should be rolled in flour before being stirred into the batter, and if to be used for filling should be flavored with lemon juice before the sugar or eggs and sugar are added.



# THE AMERICAN FOOD JOURNAL



Published Monthly at 334 Dearborn Street, Chicago

By H. B. MEYERS & CO.

Telephone Harrison 2473

Subscription, \$1.00 Per Year Foreign Subscription, \$1.50

Address all communications and remittances and make drafts, checks and money orders payable to THE AMERICAN FOOD JOURNAL, 334 Dearborn Street, Chicago.

All reading and advertising matter to appear in THE AMERICAN FOOD JOURNAL must be received at this office on or before the 12th of the month.

COPYRIGHT, 1907, BY H. B. MEYERS.

## BUYING MEAT OR TANKAGE.

A new rule has been passed in packerdom. Since the inauguration of the industry, stockmen like boys swapping jackknives, have traded sight unseen. Now in all the large packing houses in Kansas City and Chicago cows and calves are to be bought subject to post mortem inspection. If after slaughter the cattle are found fit for food, a food price will be paid, if on the other hand they are found diseased, the price will be based on the value of the hide and nonedible products. While at present applying only to she animals and calves the same regulation must eventually apply to all domestic animals used for human food. And why not? The public is more fully protected, because the money motive for disposing of diseased meat for human consumption is removed. The only complaints come from the cattlemen. They are held financially responsible for their diseased cows. They can no longer sell a diseased animal for the price of a sound one. However, as demand and supply regulate the market the stockmen as a body will get as much for their meats as before. That is, the advanced price of good animals will compensate for the loss on worthless ones. The difficulty is caused from the fact that the diseased animals are not evenly distributed among the live stock and owners. At Kansas City a few days ago a large herd of cattle and a great drove of hogs were found infected with tuberculosis. Almost by accident it was discovered that they came from the same farm. In Mankato, Minn., almost the entire fancy dairy herd of Dairy and Food Commisisoner McConnell were found tuberculous.

The stock on farms adjacent to such as these may be sound and healthy. Naturally the farmer who produces diseased cows does not desire to shoulder the financial loss. He would shift it to the state, the consumer or the packer. It is commonly known that when cholera breaks out in a drove of hogs, the live animals are quickly rushed to the butcher's block. Lean or fat, small or large, young or old, every pig that can wiggle is instantly converted into pork. Diseases in cows are usually more insidious. Especially is this true of tuberculosis which is particularly partial to cattle. Even the owner may not be aware that a large proportion of his herd is tuberculous. The fattest, sleekest Durham may be the most diseased. Where the infection came from may remain a mystery. It

was possibly from the purchase of the high-priced bull to improve the breed. It was possibly from the neighbor's cows in the next field, as unfortunately fences are not infection proof. It was possibly from skim milk carried from the creamery in exchange for milk delivered. At any rate the disease is there to continue its destructive work until revealed by post-mortem inspection or by the tuberculin test.

The farmer prefers that it be discovered after the proceeds from the sale of the animal is jingling in his jeans. The packers are beginning to take a different view. He finds it poor business policy to pay for something he can't use. Unwholesome meat is a worthless commodity. No reputable butcher will offer it for sale as food. The government, the state and the municipality employ inspectors to prevent the marketing of such meat. Heretofore the packers have borne the loss or rather distributed it among their total receipts. The more equitable way is for the packer to hold the producer responsible for diseased animals and pay only for meat which passes inspection. The immediate effect of this procedure may be to increase the cost of meat to the consumer due to reluctance of producers to market their animals on the packers' terms. This will adjust itself in time. The ultimate effect of this system of buying live stock will be to decrease the production of diseased animals. Infectious diseases of cattle are to a large extent controllable. Cleanliness, caution and care will usually guard against contagion. The strict isolation of infected animals as practiced by Professor Bang of Copenhagen will conquer tuberculosis in herds already invaded by the disease.

However, to prevent and stamp out disease requires time, money and in every case means a financial loss which will only be entailed to prevent a greater financial loss. When the farmer becomes responsible for his diseased animals, he will take such care and stand such loss as is necessary to make his stock sell for food rather than for fertilizer.

It has been suggested that the new system of buying will create a new field of business—animal insurance. Let us hope not. It will simply average up the losses as under the old system. However, if the companies would apply methods of wiping out disease with the insurance feature, as might easily be done with large capital, the day might soon dawn when animal and human phthisis would be as rare as rabies or yellow fever.

## INFLUENCE OF NATIONAL FOOD LAW ON STATE FOOD LEGISLATION.

While not one of the pioneers in the pure food movement, Pennsylvania for many years has had a fairly good food law, for the most part energetically administered. Major Wells, Prof. Hamilton and Dr. Warren all did valiant service as State Food Commissioners, while Dr. Henry Leffman, the first State Food Chemist, was associated with Dr. Alfred H. Allen in the great work on "Commercial Organic Analysis," which is still the best authority on the subject in the English language. In fact, it appears that the food law was too stringent and too well administered. A strong demand came from the dealers to make the law less drastic. The opportunity of a lifetime came in the popular misconception of the National Food and Drugs Act and the apparent plausibility of the plea to make the state laws conform to the National law.

So the originally strong definition of adulteration in



the state law was changed to the mild definition of the national law, with its threefold proviso. A clause is inserted to prevent any prosecution under the state law if goods are put up in conformity to the national law. A guarantee clause is inserted which practically nullifies the law, as under it the dealer is released from responsibility which cannot be fixed upon any one else either by state or national authorities. The procuring and analysis of samples are made more difficult than before, as also prosecutions and publications under the act. Dr. Warren resigned as Food Commissioner. James Foust, formerly an inspector in the department, has been appointed to his place. The reactionary forces may not have gained as great a victory as they think. While he will have a liberal law to enforce, Commissioner Foust has the reputation of being an active and energetic official.

In Minnesota, both former Commissioner McConnell and Commissioner Slater rose from the ranks or, in other words, were promoted from inspectors to heads of the department. Both have proven the value of practical experience in the executive work of the department. There is every reason to believe Commissioner Foust may do as well. He is an iron molder by trade. In 1895 he began his career in practical politics, when he was elected Coroner by the Republicans of Blair County. In 1896 he was appointed chief of police of Altoona and since 1900 has been with the Pennsylvania Dairy and Food Department.

But Pennsylvania is not the only state that has weakened its food law. Minnesota, that pioneer in the pure food movement in the West, has also proscribed the power of the commissioner within the confines of the national law and the legal specifications for vinegar and cider vinegar have been lowered to the grade adopted by the Secretary of Agriculture.

#### **NATIONAL PURE BEVERAGE EXPOSITION.**

At last it has arrived. What we have been looking for, longing for, crying for, a "drink" exposition. What will you have? All varieties of liquid refreshments will be on exhibition, and perhaps found on tap. Yes, everything will be shown from the innocuous ginger ale and real ale, through the various stages of inebriating drinks, even to the pure quill—King Alcohol himself.

Soda water, pop, mineral water, wines, brandies, whiskies and cordials will be shown in bewildering, bewitching succession.

Even the machinery and accessories applied to the manufacture of these articles will be demonstrated to thousands of interested persons from all parts of the country.

Remember the time and place, on December 10, 1907, at the Coliseum, Chicago.

For particulars, diagrams, and cost of space, address The National Exposition Co., managers of The National Pure Beverage Exposition, 608, 167 Dearborn street, Chicago, Ill.

#### **CONFERENCE OF STATE FOOD COMMISSIONERS.**

Commissioner H. R. Wright and Chemist Chittick of Iowa, Commissioner E. K. Slater of Minnesota and Commissioner A. H. Wheaton and Professor J. H. Shepard of South Dakota were in Chicago on the 10th of this month primarily to confer with each other and with the large paint manufacturers of this

city over uniform regulations concerning labeling of white lead and mixed paints. While here they also held consultations with representatives of the food and manufacturing interests concerning special features on their new food laws.

#### **INTERNATIONAL DAIRY CONGRESS.**

The Third International Congress of Dairying holds a meeting at The Hague, September 16 to 20, 1907. The congress will be divided into three sections—dairy legislation, hygiene and industry. The program of the congress and other information may be had by addressing the secretary, Dr. A. J. Swaving, 88 Lange Voorhout, The Hague.

#### **CONNECTICUT BILL REPORTED.**

A Pure Food and Drug Bill has been reported by the Committee on Public Health and Safety of the Connecticut legislature. The bill as reported follows closely the National Food and Drugs Act—particularly as to definitions of adulteration and misbranding of food and drugs.

#### **ROCKY MOUNTAIN HEADQUARTERS.**

The Rocky Mountain headquarters for the Bureau of Chemistry, U. S. Dept. of Agriculture, will be located in Denver. Popular reports say that more than 100 chemists will be employed there. Dr. Winton, in charge of Chicago headquarters is now in Denver seeking a site for the laboratory.

#### **FOOD HEARINGS TO BE PUBLIC.**

It is announced by the Secretary of Agriculture that the hearings before the Board of Food and Drug Inspection will be public except in instances where the hearings relate to manufacturing details involving trade secrets.

#### **PURE FOOD INSPECTOR.**

J. R. Field of New Plymouth has been appointed to succeed A. F. Hitt, resigned, as pure food and horticultural inspector of Idaho. His appointment goes into effect June 1. He is reported to be an experienced man and will take hold of the business of his office in an intelligent manner.

#### **PENNSYLVANIA MEAT INSPECTION.**

Pennsylvania has passed a Meat Inspection Act modeled after and intended to supplement the national law. It goes into effect within 60 days.

#### **A LITTLE FLATTERY WONT SPOIL US.**

American Food Journal:

Gentlemen: Being a subscriber of your valuable food journal (I state valuable, because I have gained more knowledge on the food question from your journal than any food publication I have any occasion to read), I welcome each issue as a feast of reason and food of knowledge.

Respectfully,

E. A. ZATARAIN,

Pres. and Manager Pa Poose Root Beer & Extract Mfg. Co.

Dr. Thomas Macfarlane, F. R. S. C., Chief Analyst Dominion of Canada, dropped dead in Ottawa, Ont., June 10, while running to catch a street car.



### POISON SQUAD IN LOUISIANA.

A test of unrefined Louisiana molasses in its natural state has been made by the Department of Agriculture. The test was made by feeding the molasses to twelve negroes as their exclusive food for thirty days. As a result not one of them showed any evil effects from the diet but every one a decided improvement in health, while one of them gained fourteen pounds. The conclusion is that Louisiana molasses as made on the plantations is not only a wholesome but a most nutritious food. It must of course follow that molasses particularly the unrefined is all we desire as food. Molasses for breakfast, molasses for dinner, molasses for supper, Monday, Tuesday, Wednesday, Thursday, Friday, Saturday and Sunday, this week, next week, twelve months in the year. All our theories about balanced rations are thrown overboard. Sugar supplies all our dietary demands. This will be welcome news for hungry Tommy who will undertake to try the new health food for a day or two. At any rate, it would be interesting to know what the negroes ate before they were invited into this gustatory experiment, if indeed they had partaken of a square meal of any kind for several months.

### A DIFFERENCE OF OPINION.

A difference has arisen between the food authorities of the state of Nebraska and the manufacturers doing business in the state over the interpretation of the clause of the food law requiring the weight or quantity of material to be placed on the package. Chemist Redfern says the law refers to the net weight of the contents of the package and the manufacturers think it means net weight of the package. As the manufacturers refuse to be bound by the chemist's interpretation the matter will probably be fought out in the courts.

### PURE FOOD FOR DALLAS, TEXAS.

On June 1 a rigid enforcement of the new law as applied to all foods and all dealers in foodstuffs will begin in Dallas, Texas. The milk analyses are hampered because of the fact that there is not at this time a collector of samples and only such as are taken by the chemist and his assistants are used.

### PENNSYLVANIA BRANCH FOOD OFFICE CLOSES.

Because the last session of the legislature failed to provide an appropriation for its maintenance, the branch office of the Dairy and Food Commission, which was conducted by former Commissioner Warren, at 603 West End Building, Philadelphia, Pa., will go out of existence on Friday next. Commissioner Foust found it necessary to abandon the office because of the lack of funds. Miss Etta M. Kremer, who had charge of the office, and who rendered valuable assistance to Dr. Warren because of her efficiency, was tendered a position by Commissioner Foust in the Harrisburg office, but declined to accept owing to other plans for her future. In the future the work of the Dairy and Food Commission in Philadelphia will be in charge of Special Agent H. P. Cassidy. During his four years as Dairy and Food Commissioner Dr. Warren gained many convictions of persons who violated the pure food laws, and his crusade against illegal oleomargarine dealers was particularly vigorous.

## FOOD NOTES

### COMMISSIONER DAVIES, OF WASHINGTON, BURNS TONS OF BAD MEAT.

By order of L. Davies, state dairy and food commissioner, 38,000 pounds of putrid meat in the shape of summer sausage and dried meat were destroyed in Spokane. The meat, consisting of several drayloads, was hauled to the banks of the Columbia river and saturated with coal oil and burned. The sausage and dried beef, which had been prepared from 30 beeves refused by the Spokane meat inspector last February, was found in storage in the basement of one of the general stores. Some of the dried meat was in awful condition, and gave off a nauseating odor.

About two weeks ago there was an epidemic of stomach and bowel trouble in Spokane, and complaint was made to the health officer, Dr. Frank Culp, that bad meat was being sold in the shops. The physician was soon convinced that whether or not any bad meat was being sold in the local markets there was certainly some bad meat in the butcher shop, and he at once referred the matter to the Dairy and Food Commissioner.

When Mr. Davies arrived he found no bad meats being offered for sale in the local markets, but found some meat in a storage room at the Wenatchee Canning company unfit for food, which was at once destroyed, and a large quantity of sausage and dried meat stored in the basement of one of the general stores. Samples of the meat were sent to Professor Fulmer at the state college for analysis, to determine if chemicals and preservatives were used in the attempt to cure the meat. Pending an investigation the meat has been held in official charge of the commissioner for the last week.

Will H. Adams, meat inspector for Spokane, is assisting Mr. Davies. In speaking of the matter, Mr. Adams said: "There is enough sausage to supply Spokane, Seattle and Tacoma for two years."

Mr. Davis, speaking of the seizure of the meat, said: "February 1 a butcher in Wenatchee wrote to the city meat inspector in Spokane, Mr. Adams, that he had 80 beeves on hand that he wished to place on the Spokane markets. At Mr. Adams' request half of a beef was sent to him for inspection, and found to be unfit for food and he sent it to the crematory for destruction.

"Mr. Apple, the owner of the sausage, admits that it was made from the eighty beeves then unfit for food. Fred Patterson of Cashmere, who slaughtered the beeves, told me that after he tried to sell the meat to Mr. Harlin and to Mr. Wetzels, local butchers, he sold 38,000 pounds to Joe Apple for one cent per pound. It appears that about all of this amount was worked up into sausage and dried beef. Mr. Apple assumes all responsibility of the scandal.

"On an inspection of the meat market in Wenatchee we find them in better sanitary condition than the average markets in small towns. The slaughter house of the Harlin market is in bad condition. I found the dairies in fair condition and dairymen willing and anxious to receive suggestions, and they will undoubtedly follow out instructions. So far as tested by this department the grocery stocks are up to standard, and



samples of produce not already analyzed are being taken for the purpose of analysis."

### **NORTH CAROLINA TO HAVE A STATE CHEMIST.**

The North Carolina Board of Agriculture in a resolution has created the office of State Chemist, and Mr. W. M. Allen, who for several years has been first assistant state chemist, has been elected first food chemist. This is a new division in the Department of Agriculture. For two years Mr. Allen has had the supervision of this work at the department, and it has grown until the establishment of the new division became necessary.

Mr. Allen is a native North Carolinian, a graduate of the State University, and became identified with the department in 1894. During the past two years his time has been devoted to the food adulteration work, and to him is largely due the enactment of the pure food laws, under which his division will operate. He has been assistant state chemist of Georgia, and is recognized as one of the most efficient chemists of the south.

Mr. Allen has the following to say of the food work in the state:

"The extensive use of antiseptics or chemical preservatives and coal-tar dyes, not evident and not known to the purchaser or consumer of foods and beverages, employed only to improve the appearance of inferior, damaged or adulterated food products, is a serious evil that demands the attention of food officials.

"Putrefaction and decay of animal and vegetable substances are due to the vegetative activity of a variety of fungi and bacteria. Antiseptics are preventives of putrefaction and decay, and operate by suspending or destroying the life of such organisms. The knowledge that we have of the effect of chemical preservatives on digestion and health tends to show that they are deleterious. It appears that they are for the most part poisonous, and that the effect of them on the health of the consumer depends upon the quantity and frequency of the dose.

"The use of these preservatives in foods and beverages is not only illegal, but they are great frauds. A 4-oz. package was sold for \$2.50, when the ingredients therein, at the market price of the same, would not cost exceeding 15 cents.

"That sample is an extreme case, but many others sold for many times the market value of the materials contained in them. The ingredients of most of them can be bought for one-tenth of the price of the compounds."

### **MILK A REMARKABLE FOOD.**

Dr. Henry Dwight Chapin has written an article for the North American Review on milk. Dr. Chapin is professor of children's diseases in the New York Post Graduate Medical School, and what he has to say concerning the physiological action of milk should be authentic.

The first portion of this interesting article is devoted to the structure and function of milk, Dr. Chapin making the statement that from a chemist's standpoint there is no difference between a beefsteak, a pork chop and the curd of milk, each being composed of the substance known as proteid, which is that element required for tissue building. He also states a well-known

truth when he says while chemical food analysis is useful in determining what proportion of elementary food substances certain articles contain, the suitability of a food can only be determined by actual feeding experiments.

In illustrating the unreliability of a chemical analysis to determine the value of food, Dr. Chapin says it can be shown "that a sandwich and a glass of water may have identically the same composition as a glass of milk."

Regarding the substitution of cow's milk for mother's milk Dr. Chapin says: "There is so much difference between human milk and cow's milk that few physicians think of feeding cow's milk to infants without modifying it in such a way as to be digestible in the infant's stomach. To-day leading authorities believe that fresh cow's milk should be the basis of artificial food for infants, because it is the only available material that will form a solid food of varying degrees of digestibility when acted upon by the secretions of the developed stomach."

One of the interesting sections of Dr. Chapin's article is that treating of bacteria. Milk contains bacteria the moment it leaves the cow's udder. If the cow is dirty or there is loose hay around, dust from the cow's body and the hay settles in the milk-pail, and this dust is swarming with bacteria. As soon as they reach the warm milk they commence to multiply, and in a few hours they may have increased until there are millions to the teaspoonful of milk. It is these bacteria that cause milk to sour, but most of them are not only harmless but positively beneficial.

The bacteria are plants belonging to the same class as yeast. No one is afraid to use yeast in bread-making, so no one should be afraid to drink milk simply because it contains similar vegetable forms. Sometimes poisonous bacteria get into milk, but the cases of poisoning resulting are, Dr. Chapin thinks, comparatively speaking, rare, and no one need give up drinking milk on that account.

### **FOOD LAWS HELP SPICE TRADE.**

Edward Fuller, spice and coffee expert of E. B. Millar & Co., says the new food law has benefited the spice trade. Cheap truck is losing ground in startling ratio. The consumer is demanding first-class goods. He is becoming wise in brands and geographic origin of goods. There are fewer people who take the most expensive grade in order to get the best. They are learning that many times the higher price exists not because of the better flavor, but because the product is a strictly fancy article, coming perhaps from a locality where its cultivation is more an art than an industry. Such an article has its place on the market and in the cuisine, but so far as mere day in day out gustatory existence is concerned it may not be essential.

### **BETTER INSPECTION OF FOOD PRODUCTS IS ADVOCATED.**

The Master Retail Butchers' Association has issued an address to the public advocating better inspection of provisions. Following are extracts:

"Before meats, fruits, vegetables, etc., should be put upon our market for sale they should be inspected. This is so apparent that it goes without argument. The city of St. Louis, covering more square miles of territory, except Greater New York, Philadelphia and Chicago, than any other of our cities, has but four in-



spectors—two of these confine themselves to the city institution—leaving but two to cover the city proper. At once this will appear that this is just a little better than no inspection. This leaves St. Louis as a dumping ground for unhealthy provisions of a dangerous and poisonous nature, particularly so in the long-heated term. Chicago has 25 inspectors; Cincinnati, 12; Milwaukee, 12; Cleveland, 15, etc.

"The association has appointed a committee of five to urge the passage of an ordinance before the present municipal assembly, increasing the number to eleven additional inspectors. Pure food is at the basis of the public life and health. If the people stand behind this committee we will secure the passage of such an ordinance. Most of the shops have not seen an inspector for from one to ten years."

#### **STRAWBERRIES ARE NOW COLORED.**

That pretty, rich red color which makes strawberries seem so appetizing is not painted by Dame Nature, at least on many of the berries that are marketed in Omaha.

Some twentieth century genius has discovered a sort of vegetable dye, rich red, and in this are dipped the berries that come green to market.

No one knows about it but the health authorities, and, of course, the market men. The health commissioner says it must cease, as it is food adulteration. He says he views red berries with suspicion and that the man who sells real scarlet ones must prove to him that Dame Nature did the coloring.

The berries, which at this time of year oftentimes come a thousand miles to the Omaha market, are picked half green, or half ripe. They are rather sour, and as they will not bring a good price when they look green, coloring is poured on them.—Omaha News.

#### **POISONED BY STICK CANDY.**

Poisoned by a dime's worth of innocent-looking striped candy brought home to them by their father, the two baby sons of Mr. and Mrs. A. R. Banks, 1026 Seventeenth street, were taken violently ill at 3 o'clock yesterday afternoon and their lives were saved only by prompt and drastic measures taken by Dr. Bice, who was called to the scene of action. The little ones, who are 1 and 3 years of age, respectively, rallied nicely from the shock with the elasticity of childhood and are reported this morning as doing well. The candy was of a sort Mr. Banks has brought youngsters before and there was nothing suspicious in its appearance.—Indianapolis, Ind., Star, May 28, 1907.

#### **FAMILY STRICKEN WITH PTOMAIN POISONING RECOVERS.**

Baggs, Wyo., June 2.—The entire family of E. Reed Myer is recovering from the effects of ptomaine poisoning. The poison was contained in canned peaches, a short time after the consumption of which the family became violently sick. Medical assistance was hurriedly summoned and emergency measures were resorted to. The members of the family were affected in various degrees. Mrs. Pardee, Mrs. Myer's sister, and little Bernice Myer, had narrow escapes from death.—Denver News.

#### **ILL FROM CANNED PINEAPPLE.**

Miss Blanche Steele, 21 years old, and Miss Myrtle Hayes, 20 years old, employes of the Gate City Laun-

dry, at 213 West Tenth street, Kansas City, Mo., were poisoned by eating canned pineapple. Both became unconscious when Dr. W. L. Gist, an emergency surgeon, arrived at the laundry. Miss Steele was taken to her home, 2917 Fairmount avenue, and Miss Hayes was sent to her home, 2915 Mercington avenue. Dr. Gist said that they would recover. He took the pineapple to the city chemist, Dr. Walter M. Cross, for inspection.

It further developed during the investigation that the girls had eaten from the same can the day before without disastrous consequences, but the can had remained open and exposed in the interval. Also that the girls indulged in ice cream and other truck after eating the canned pineapple. If they live they may thank their robust constitutions.

#### **MORE PTOMAIN POISONING.**

Fifteen persons were poisoned by early strawberries and sausages in Fruitvale, Cal.

#### **GOVERNMENT'S NEW MEAT LABEL.**

The Department of Agriculture has adopted a new method of stamping inspected meats and meat products, to replace the famous gelatine label, which is controlled by a private concern, and on which the government has to pay a royalty. It is estimated that the new method of marking will save the department about \$300,000 a year royalties. The gelatine label is to be replaced by the use of a harmless ink invented by Dr. Marion Dorset, chief of the biochemic division of the Bureau of Chemistry. It is applied with a rubber stamp from an ordinary pad, does not run into the meat and is entirely harmless.

During the fiscal year ending June 30 last the government spent about \$200,000 for the labels prepared by the George E. Howard Company, of Washington, at 65 cents per 1,000. It is estimated that during the next fiscal year not less than 600,000,000 of them would have been required, costing about \$390,000. Dr. Dorset's invention will accomplish the same results at a cost of about \$10,000.

When the meat inspection law passed last year the department adopted the Howard label, which previously had been employed to mark the meats inspected for foreign trade. The demand for the labels was immensely increased by the extension of the inspection to all meats, and efforts were set on foot to find a cheaper process.

The Howard label is a little gelatine sheet on which appears the words, "Inspected and passed, United States Department of Agriculture," etc., with the date. This lettering is in an ink which is immediately absorbed into the tissue of the meat, where it adheres. The gelatine soon rubs off, but the lettering remains. The ink is indelible and harmless.

Last year the department advertised widely for a cheaper process, but of all offered none was satisfactory. Meanwhile Dr. Dorset has been working on his invention and has produced an ink which serves every purpose and is applied with a rubber stamp from an ink pad. At the recent convention of officers of the inspection service at Chicago, Secretary Wilson received reports from all the big packing houses where this labeled had been tried. All reported it excellent, and said that in addition to being cheaper it cost less to apply than the old gelatine markers. It was promptly adopted.—National Provisioner.



## OPINION ON THE CONSTRUCTION OF THE ILLINOIS FOOD LAW.

### Blends Defined.

To the American Food Journal:

Under the new Illinois law the specific definition of the blend given in the law is as follows: "That the term blend as used herein shall be construed to mean a mixture of like substances not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only. And, as applied to alcoholic beverages, only those distilled spirits shall be regarded as like substances which are distilled from the fermented mash of grain, and are of the same alcoholic strength."

It has been definitely stated in certain publications that this requirement necessitates the original distillation to be of equal alcoholic strength; namely, that a blend must consist, for example, of whisky distilled at one hundred proof and spirits distilled at one hundred proof.

There is no such requirement in the law. The only requirement provided for by this law, and which must therefore be followed by the Illinois Commissioner in the case of blends, is that the distilled spirits included in the blend must be of the same alcoholic strength. There is nothing said in the law regarding the original distillation of these spirits, and nothing can be inferred to that effect. If the spirits are distilled at a higher proof, they may undoubtedly be reduced to an equal strength with the whisky before the blending of the two. No court, under the language of the law, could hold otherwise.

Under the Illinois law, therefore, the spirit distilleries of the State of Illinois receive ample protection and recognition of the purity of their distillation. No one can conscientiously question the fact that a spirit distillation is as pure for the consumer as the so-called straight whisky. Many whiskies, from the nature of their distillation, require a blending with some other article, such as spirits, in order to render them acceptable to the consuming public as a beverage. The Illinois legislators have recognized this fact, and acted in accordance therewith in passing the new Illinois Pure Food Law. The spirits are used to modify the characteristics of the whisky, and the whisky properly used in the blend to make a palatable and acceptable, as well as useful beverage. All this must be recognized by the courts in their construction of the law when the time comes for court decisions, and must be recognized by the State Commissioner in his construction of the law. There has never been any question concerning the comparative purity of whisky and spirits in the minds of competent chemists; and therefore I need not enter into an argument on this point. The Illinois law as passed is evidently designed to furnish proper protection of the old and universal trade usage of making blended whiskies with the inclusion of spirits for the purpose of making a beverage, and I have no doubt that it will serve that purpose in the State of Illinois.

Doubts have been raised on this proposition by parties not thoroughly familiar with the distillation, blending or sale of whisky, and it is to be expected in connection with this law, as with all other new laws, that certain questions will require the construction of the courts before they can be regarded as definitely and finally settled beyond question; but in my opinion, the

new Pure Food Law of Illinois undoubtedly provides for the use of spirits in connection with whisky in what is known as a whisky blend.

Yours respectfully,

A. E. WALLACE.

### CO-OPERATIVE CREAMERIES.

Directors of the recently organized association of co-operative creameries which is to handle the product of Minnesota's butter factories, met in St. Paul last week and formulated articles of incorporation and by-laws. These will be sent to the creameries in the state. They will be asked to act upon them and elect delegates to a general meeting for the purpose of completing the organization. This meeting will be held in St. Paul, June 12. If enough creameries get into the association they will start up at once and get ready for business.

The last legislature passed a bill which authorized the formation of such an association. The object is to have the association handle the product of the Minnesota creameries in the eastern markets. A central butter exchange will be established, either in St. Paul or Chicago, from which they will ship their product. The association will be a stock company and the creameries will be asked to take shares.

After the exchange becomes established it is proposed to establish a brand of "Minnesota Standard" butter. The official in charge of the central station will examine all the butter and if it is of good quality it will be marked with the brand of quality. Under the 1905 code butter of a certain standard may be marked "Minnesota Pure Creamery Butter." It is expected that on account of the fact that Minnesota almost always carries off all the butter prizes at the shows and that the state is well known all over the world for the quality of its butter, there will be a demand for this Minnesota butter and it will bring a better price than it has been bringing.

A year ago Dairy and Food Commissioner E. K. Slater made a trip to New York to see if he could not arrange with the dealers to handle butter with the Minnesota brand, but they would not do it. He found that if the butter was branded here they would probably scrape off the brand and mix it with butter from other states and sell it at the common price. Now that the New York dealers refuse to give Minnesota dairymen the benefit of the reputation they have established, the dairymen themselves propose to go into the market with Minnesota brand butter.

The agent of the association probably will be commissioned as an inspector of the dairy and food department and his butter grades will be official. By putting the brand only on first-class butter they hope by and by to establish a demand for this product that will mean much to them in dollars and cents. They hope ultimately to sell their product to the retailers and consumers in New York without the help of the commission man.—Modern Grocer.

What has become of the roar for the enforcement of the pure food act? Chicory still constitutes a big per cent of coffee, river water with minnows in it instead of pure pump water, is used to dilute milk, and wholesome oleomargarine is being adulterated with churned-over rancid cow-butter.—Wichita, Kan., Eagle.



### THE LATE DR. THOMAS MACFARLANE.

Through the kindness of A. McGill, acting chief analyst, Dominion of Canada, we are provided with some of the details of the sad death of Dr. Thomas Macfarlane, as noted in another place, and also to a brief biography of the noted scientist:

Amid the quiet environment of Rockcliffe Park, on the 10th of June, death came with tragic suddenness to Mr. Thomas Macfarlane, 131 McLeod street, chief analyst of the Department of Inland Revenue. Death was due to heart failure.

The late Mr. Macfarlane had gone to the rifle ranges with Mr. Alex. Christie, 253 Frank street, and Captain A. P. Deroche, of the militia department, to look over the big Dominion Rifle Association grounds in view of the proposed erection of a new building there, and, after the business of the afternoon was completed, about half past five o'clock, the small party, in the best of good spirits, prepared to return to the city. A car passed by, rounding the loop. Mr. Christie laughingly remarked that they had missed their car, when Mr. Macfarlane dashed across the loop to intercept it. He was seen to suddenly totter, throw up his hands and sink to the earth. When Conductor Timothy Shields, 435 Laurel avenue west, leaped from the car and raised the prostrate form, life was extinct. Mr. Christie and Captain Deroche came up in time to render what assistance lay in their power, but the scientist had passed from all earthly troubles and cares. He lay as asleep, and, with all reverence, the body was tenderly conveyed back to the Dominion Rifle Association's building and laid upon a cot.

A sad feature of the terribly sudden call to Canada's noted scientist lies in the fact that Mr. Macfarlane, after years of patient and painstaking labor, was about to be retired, at his own request, in fact had begun a leave of absence of six months, preparatory to final farewell to his beloved researches.

He leaves a widow, three sons and five daughters to mourn. The sons are Arthur and Thomas Macfarlane, Ottawa, and Worrie Macfarlane, Montreal. The daughters are Mrs. J. H. Neeve and Miss Jessie Macfarlane, Ottawa; Mrs. Arthur Boulton, Quebec; Mrs. J. Fairburn, Toronto, and Miss Lizzie Macfarlane, in St. John, N. B.

No more familiar figure in the capital was to be seen for years than the late chief analyst and his demise will come as a great shock to a host of friends, scientific and social, both here and elsewhere in America and Europe, where he was well and lovingly known.

Mr. Macfarlane was born on the 5th of March, 1834, in Renfrewshire, Scotland, and was educated at the Andersonian University, Glasgow, and at the Royal Mining School of Freiberg, Saxony. He afterwards resided in Norway, where he was employed as manager of the Modern Blue Color Works, Skuterna Cobalt Mines and Aamdal Copper Works. He came to Canada in 1860, and was engaged as chemist and manager in some of the mines of the eastern townships, and was also employed on the Geological Survey of Canada under Sir William Logan. He discovered the Silver Islet mine on the property of the Montreal Mining Co., and also visited Colorado, Utah, Nevada and Ecuador, examining mining properties. In 1876 Mr. Macfarlane published a description of his visit to South America, under the title "To the Andes." From 1879 to 1884 he was employed in

Leadville, Colo., and in traveling in the Colorado valley, and also crossed over to England and Germany. He spoke German, French and Danish fluently. In 1882 he was appointed a member of the Royal Society of Canada and in 1886 became president of the Chemical section. In the same year he was appointed chief analyst of the Inland Revenue Department, which position he held up to his superannuation on the 1st of May last. During that time he was responsible for the administration of the Adulteration Act, besides the execution of a large amount of analytical work for the customs and other departments. The results of much of his work in this capacity may be seen in the published bulletins of the Laboratory Branch of the Inland Revenue Department.

But Mr. Macfarlane was a man who had many interests apart from that of his profession. One of these was Imperial Federation, with which movement he became associated in 1885, and he never ceased to work for its advancement in every way that lay in his power. He published several articles on this question and for one of these he received a personal letter from Mr. Chamberlain, thanking him for the service he was rendering to the cause of Imperial Unity. He also advocated strongly the wisdom of incorporating systematic religious instruction in the curriculum of study arranged for the public schools. In the course of an address in the Normal School two years ago he expressed himself as follows: "The thorough development of the whole individual is the object of true education. The body and the spirit of man have an existence as well as the mind, and to educate the latter only is a mistake fatal alike to the individual and the nation."

He was a loyal and devoted member of the Church of England, but, realizing the many evils following in the train of a divided Christendom, he never failed to plead for the cause of Christian reunion. He was for several years a lay delegate to the Synod of the Diocese.

As a man he was thoroughly honorable, and upright, a high-minded, courteous Christian gentleman, who was never known to say an unkind word of anyone and who enjoyed in a rare degree the respect and confidence of the whole community.

### WILL TEST FOOD LAW.

A resolution to test the constitutionality of the state pure food law was passed by the Indiana Millers' State Association last week at the close of the fourth annual meeting, held in Indianapolis. Other important business transacted was the election of officers for the ensuing year and the reading of a number of papers having to do with questions of interest to millers.

The discussion which led to the adoption of the resolution to test the constitutionality of the new pure food law was opened by a full explanation of the new law with its requirements and penalties by W. J. Jones, Jr., of the Agricultural Experiment Station. The opinion of the millers as it developed in the meeting was that the law as it operated against them amounted to class legislation. They were compelled to pay a tax for making pure food flour out of wheat, they said. The protest was not against the law in general, but against this particular feature of it. The tax against manufacturers of food goes to the support of Purdue University Experimental Station. The millers figure that by the operation of the law they pay Purdue \$1,600 a day.



**ST. PAUL FAMOUS FOR PURE FOOD.**

Pure food and St. Paul are becoming almost synonymous.

Of the large number of food products manufactured in St. Paul, the food commission has reported that all designated as being so are as pure as it is possible to make them.

On the list are the products of the Towle Syrup Co., one of the largest manufactories of its kind in the country, employing from 150 to 200 men and selling over \$2,000,000 worth of goods annually.

The "Log Cabin" brand of maple syrup manufactured by the Towle concern is known in most parts of the world. It is guaranteed to be free from all adulteration and is classed so by the food commission. Other pure brands manufactured by the Towle manufactory are the "Beeman's Great Mountain" syrup, a blend of maple and cane, and the "Orchard Brand" of jellies and preserves. "Towle's Top" jelly is the company's leading brand of that product.

In connection with the syrup and jelly subject, it might be said that glucose, of which the larger part of some sweets consist, is not harmful. It is a vegetable product, the name being derived from the Greek word "glukose," meaning "sweet." The name suggests to many that it is made up of ingredients used in glue.

Three of the largest wholesale grocery houses in the West are located in St. Paul, and each has its manufacturing plant. The goods manufactured by each has passed the pure food test repeatedly and not upon any occasion have grocers been compelled to take their goods from their stock because of adulteration.

Griggs, Cooper & Co. have the largest food manufacturing plant in St. Paul. It is located on Third street and takes up the block from Sibley to Wacouta street. There the "Home," "Whynot," "Bengal" and "Stonewall" brands of pickles, syrups, extracts, spices, coffees, teas, citrons, baking powders, candies, cookies and cooking oils are manufactured and put up. In all the manufacturing concern's expert chemists are employed to see that everything that goes out is pure in every particular.

J. H. Allen & Co. manufacture "Dainty," "Robin" and "Big A" brands of spices, extracts, baking powders, coffees and teas. "Fort Snelling" and "Gopher" brands of the same products are manufactured by Foley Bros. & Kelly.

The Minnesota Macaroni Co. sends out daily 10,000 pounds of "Minnesota" brand macaroni, a chemically pure product.

The McFadden Candy Co. sends out daily 20 cases of "Faultless Kisses," 200 pounds of Algerian chocolates, 50 cases of "Yellow Kid" candy, besides other non-adulterated confections.

"Bitter Sweets" and Nacaco candies, guaranteed to be absolutely pure, are manufactured by the J. H. Roach Candy Co. The Wessel Bros. Candy Co. makes a specialty of a pure coughdrop and the Blue River chocolate, and Ziegler, Egan & Co. specialize their "Veribest" and "Pride of Minnesota" brand candies, which they guarantee to be absolutely pure.

"Crescent" brand butter, manufactured by the Crescent Creamery Co., has passed the state and government test, and is being pushed in the Northwest.

The Swift brands, "Premium" hams, bacon and lard and "Silver Leaf" lard, and J. T. McMillan & Co.'s hams and bacon have passed inspection success-

fully and are considered by the food commission to be free from harmful substances.

Expert chemists all over the country have given St. Paul manufacturers credit for manufacturing purer foods than manufacturers in any other city in the country.—St. Paul Daily News. (Is that so?)

### **REPORT OF LABORATORY OF CHICAGO HEALTH DEPARTMENT FOR WEEK ENDING JUNE 8th, 1907.**

A total of 1,567 examinations were made during the week in the laboratories—119 bacteriologic and 1,448 chemical.

Compared with the previous week the total number of throat cultures examined remains the same, but the number containing diphtheria bacilli shows a slight increase. None of the cultures examined contained influenza bacilli.

Thirty-eight specimens of blood were submitted for the Widal test, in which six of which reactions were positive of typhoid fever.

There were 1,367 samples of milk and cream analyzed. Of these 1,202 were inspector's samples, 7.6 per cent of which were below grade; and 165 office samples, 7.8 per cent of which were below grade. Per cent below grade all sources, 7.6.

The dairy inspectors visited 227 dairies and inspected 3,918 cows. In three of these dairies "wet malt" was being fed to the cows. Milk from these was excluded from the city, and seventy-one cans of milk were returned or "dumped" from other dairies that did not comply with the rules of the department.

During the week the milk inspectors inspected 430 city milk depots. Of these 410 were in good condition. Twenty were found in a bad sanitary condition and were given twenty-four hours' notice to remedy defects.

Food inspectors in the "loop district" condemned and destroyed 21,608 pounds of foodstuffs.

City meat inspectors at the Union stockyards condemned and destroyed 3,100 pounds of meats.

### **IOWA FOOD LAW AS IT LOOKS TO AN IOWA EDITOR.**

"The law covers everything people put into their mouths except chewing tobacco and cigars. These can still be made in the good old way with the regular proportions of copperas, glue, hoof juice, burned hair and burdock. They are not regarded as either food or medicine, and Iowa don't care.

"As to food or medicine, however, all hands must step with considerable care. Old eggs sold as new, vinegar with acid in it or not up to the standard strength, sorghum made of glucose, and lard made of cotton seed oil, all have to go. It don't do to label a thing 'maple syrup' and then apologize on the back of the bottle by saying it contains some of something else and none other. There will be a row if buckwheat flour contains any shorts or if beef sausage has any pork or dog in it.

"We hope everybody will be alive when July comes. There will be something doing. Canned tomatoes will be the color of four-inch tile and grandma's sweet pickles will be the color of timothy hay after the third rain. But then to make us glad, prices will be higher than a cat's back. We will know by the price that everything we eat, except tobacco, is as pure as law can make it. No matter how things taste, they will be PURE."—Alden (Ia.) Times.



## Household Science

### SALADS WILD AND TAME.

BY CORNELIA C. BEDFORD.

To speak of salad, or in fact any dish or article of food as "tame" when the word is intended for any other reason than, perhaps, lack of seasoning, seems peculiar, yet in many country districts, especially among mountaineers, the expression is a common one and has reference to some vegetable or fruit which is cultivated and so distinguished from that provided by nature—as "tame strawberries," "tame cherries," etc.

Spring brings to us material both wild and cultivated which may be readily used in salads and which, coming at this season, are to be recommended for their tonic effect on systems enervated by heavy winter foods. The town dweller can find in the nearby market lettuce—both hothouse grown and from southern gardens; escarole from the same sources; the tiny sweet leaf of the fetticus or corn-salad; watercress from specially flooded fields. Out in the country markets are an unknown quantity, but from fields and brookside spoils can be gathered. There is the heart leaf of the dandelion, delightfully bitter; the acid sorrel or sourgrass; the spicy cress or brook mint. The young tender leaf of any plant whose flavor appeals to the taste may be used as the basis of a salad and, when the supply is abundant, those plants which are delicate and young can be covered with stones, boards or a layer of sand; in a week or ten days they will be prettily blanched and most delicate in flavor.

Market lettuce is of two general types—the round or cabbage leaf, the long or romaine, also called cos. All salad greens should be carefully and thoroughly cleaned, for during their growth they are highly fertilized and in many cases this fertilizer, coming in direct contact with the plant leaves deposit on them germs which, if taken into the system, may result in typhoid and other diseases. Each leaf should be carefully examined and after cleansing should be well rinsed in fresh cold water. Where leaves are slightly wilted they may often be restored to crispness by leaving them in cold water for half an hour or more.

When receiving their final preparation for the table, salad greens should be drained, then laid on a soft cloth and patted quite dry. This is especially necessary when a French or oil dressing is to be used, as wet leaves repel and shed the oil.

To prepare a plain dressing, put in a saucer or shallow dish a half teaspoonful of salt, a quarter of a teaspoonful of white pepper and four tablespoonfuls of olive oil. Stir until the seasoning is partly melted, then drop in slowly one tablespoonful of plain or tarragon vinegar, stirring fast and hard, until the vinegar is so blended with the oil that the globules are no longer distinct. Pour this over the lettuce, turning the leaves over and over, that they may be well moistened.

Such a dressing should not be made until the salad is about to be served for union of its elements is not permanent, and oil and acid quickly separate. When cress, cabbage, or any sharp salad green forms the base of the salad, a pinch of dry mustard added to the seasonings of the dressing will often be found agree-

able. Also the vinegar used may be of a special character, such as onion vinegar, celery vinegar, pepper vinegar, or the spiced vinegar from pickles. When lemons are plentiful and juicy their strained juice will make a pleasant substitute for vinegar; as the acid is mild and double the amount may be used.

Already radishes from cold frames are in market at reasonable prices; a few cut in thin slices add piquancy to a simple green salad and the same dressing may be used. By way of garnish use a few whole radishes, loosening and turning back a few strips of their glowing skin. Be sure not to remove the one or two tiny heart leaves; they have a pleasant warm taste and French chefs assure us that they lessen any tendency to heartburn and indigestibility.

After radishes come the cool green cucumbers. How eager we are for them at this season and how refreshing they seem. After peeling and slicing cover them for half an hour with cold salted water, then drain; instead of slicing they may be cut in half-inch dice. An addition which is generally liked is a spoonful or more of either grated onion or onion juice.

The southern or hothouse tomato follows close on the heels of the cucumber. So long as it remains high in price it is most economical to cut it in slices after peeling and serve it with lettuce. Later the top may be cut off each tomato, the seeds removed and the cavity filled with a spoonful of mayonnaise.

### ASPARAGUS SALAD IN TOMATO JELLY.

Simmer a quart of tomatoes for fifteen minutes with blade of mace, sprig of parsley, half a small onion and few peppercorns. Strain and add salt and cayenne to the taste, a teaspoonful Worcestershire sauce and two tablespoonfuls vinegar. While hot stir in half a package of gelatine dissolved in cold water for half an hour. Strain and let cool. Have large stalks of asparagus cooked and chilled; dip each one in the gelatine and press against the side of a plain charlotte mold packed in chopped ice. Place with asparagus tips toward bottom of mold. Decorate bottom of mold with slices of hardboiled egg, or the heart leaves of head lettuce may be used for this purpose, and strips of pimento pepper. Fill the mold with alternate layers of asparagus and jelly. Set in cold place to harden, and when turned out decorate with crisp, tender lettuce, cubes of tomato, jelly and stars of mayonnaise.

### CUCUMBER AND SWEETBREAD SALAD.

Cook the sweetbreads in acidulated water, slightly salted. Bread them in pieces and marinate with French dressing, and chill. At serving time add an equal quantity of cucumber cubes that have been crisped in cold water, drained thoroughly and chilled. Mix with a stiff mayonnaise, heap in mound shape on bed of crisp lettuce and decorate with radish, tulips or stars of pimentos and mayonnaise.

### CUCUMBER AND TOMATO SALAD.

Cut the cucumbers and tomatoes into slices of equal thickness and arrange in alternate rows on a bed of crisp lettuce. Dress with French dressing. Or dip the sliced cucumber into the French dressing and in the center of each slice of tomato make a star of mayonnaise with pastry bag and star tube.



**MACEDOINE SALAD.**

Mix together a cup of boiled green peas, one of cooked string beans, cut into half-inch lengths, a half cup each of boiled carrots and beets cut into dice of uniform size and a half cup of celery cut small. Set mixture on ice until very cold. Then pour it and mix through it a French dressing. Line a bowl with lettuce leaves, place vegetables in center and serve.

**A FEW RECIPES.**

**French Dressing.**—Four tablespoons olive oil, one and a half tablespoons vinegar, one-quarter teaspoon salt, one-eighth teaspoon white pepper. Mix salt and pepper in a cup, add one tablespoon of the oil, mix well, then add half of the vinegar, a little at a time. Add the remainder of the oil and vinegar alternately.

**Mayonnaise Dressing.**—One-half teaspoon mustard, one-quarter teaspoon salt, one-quarter saltspoon of red pepper, one teaspoon of sugar. Mix above with yolks of two eggs until well combined. Add pure olive oil, adding little at a time, using an egg beater. When it thickens, reduce with lemon juice or vinegar, and continue adding oil until three half pints are used. If required for chicken salad, reduce with cream. If for vegetable, add the whites of eggs beaten up stiff. Beat for two minutes after whites of eggs have been added. This dressing requires no cooking.

**WHERE A PURE FOOD LAW IS NEEDED.**

A dispatch from Berlin reports the conviction of a Bavarian wine dealer for selling as wine a chemical concoction from which the juice of the grape was wholly absent. In one year this ingenious but unscrupulous person had sold 55,000 gallons of stuff which he called "wine," although it had no right whatever to be thus described. One is gratified to learn that he was sentenced to pay a fine of \$2,500 and to serve a sentence of two months' imprisonment, but there seem to be a good many others no less guilty than he who thus far escaped the punishment they deserve and who are engaged in perpetrating an odious fraud upon the public, for there is evidence that in seven years there have been used in the production of this bogus beverage 300 tons of glycerine, 120 tons of tartaric acid, sixteen tons of potash and eleven tons of citric acid.

To those who are in the habit of using the cheaper wines that are imported into the United States from abroad this will not be pleasant reading. Every wine drinker considers himself a connoisseur and prides himself upon his ability to distinguish the real thing from its counterfeit presentment. As a matter of fact, however, the number of those who are able to do this with any degree of certainty are few. An idea has long been prevalent in this country that owing to better regulations more stringently enforced European foodstuffs of all kinds are less adulterated than our own. This is a mistaken impression. This Berlin case is by no means an isolated incident. There have been many similar revelations, and it may be taken as a fact that the adulteration of food and drink, at least in the case of articles destined for the American market is practiced in France and Germany and other European countries more extensively, more systematically, and more scientifically than here.

Not only wine, but various other articles of general consumption are notoriously falsified. It has been

stated that France exports more brandy than it produces, which it is enabled to do by drawing freely on the resources California. The American article tastes so much better when it is poured out of a French labeled bottle. There are makers of "genuine olive oil" at Marseilles and elsewhere who would be compelled to go out of business were the cottonseed crop to fail, and while nearly all sardine boxes bear a French imprint, actually only a small percentage of them have a French origin. For more than a year the sardine, for some reason which is being vainly sought, has disappeared from the waters of Brittany and nearly fifty thousand persons who were supported in whole or in part by the sardine canning industry have been reduced to want. Yet the visible supply of the so-called French sardine has not been appreciably affected.

Even the vaunted beer of Germany, which is sold here at double the price of the domestic article, is under suspicion, and people who want the real thing will do well to confine themselves to the American product. It is more likely to be pure.—Philadelphia Record.

**ROTTEN ANIMALS ARE USED FOR MEAT.**

"My observation is that the government inspection is still a farce," said a member of the South Omaha Live Stock exchange. "Within the last few months I have seen lumpy-jawed cattle with running sores weighed over the scales and sold subject to government post-mortem inspection.

"Every head that I traced passed inspection of the government and the diseased carcass was, I believed, placed on the market. I would not think of eating this meat."

A story was told last week that a half beef carcass, which had passed government inspection and was sent to an Omaha market, was returned to the packing company sending it out, as diseased.

This statement was made by a man high in authority and who is in a position to know the circumstances.

According to some of the members of the South Omaha Live Stock Exchange the real object of the packers in refusing to buy "she" stuff in the cattle line is to reduce the price.

The packers insist that they desire to buy this class of cattle subject to post mortem inspection by the government.

"The price of cows and heifers is between 75 cents and \$1 too high compared with the price paid for steer," said a member of the exchange.

"The packers have brought on this fight for the purpose of reducing the price on "she" stuff and the fight will continue for a couple of weeks and then an agreement will be reached. In the meantime the cows and heifers will be held on the range or in feed lots. When the embargo is raised, an influx will occur and packers will buy at their own price, probably from \$1 to \$2 a hundred less than now."—Omaha News.

**WALNUT AND CHEESE CRACKERS.**

These may be served with timbales or with the salad course. Toast slightly some round unsweetened thin crackers or wafers, and cover them with melted cheese. While the cheese is warm press on the top of each cracker one-half of an English walnut. When the cheese is cold the nut meat will be firmly in place. This makes not only a very handsome but a delicious and quickly prepared luncheon dish.



## SCIENTIFIC

### DRIED FRUIT IN THE MAKING.

There is a lot about dried fruits that the purveyor of food stuffs, wholesale or retail, has little opportunity of learning. Recently one of the largest and most reliable California dried fruit houses wrote to their Toronto representatives, W. G. A. Lambe & Co., a very instructive letter on the subject. It was in part as follows, after a comment on the common lack of information in the trade and its inconvenient results:

Now, at the outset of the discussion of the details of this matter, if you will in your own mind compare our position at this end, so far as securing dried fruit is concerned, with that of the country merchant who takes in butter from the farmers, you will get a very good idea of the situation and of the difficulties that surround our getting hold of the right goods.

In the districts in which we operate all fruit is cured in the sun, and usually by the farmers who grow it. As a natural consequence, the quality of the dried fruit depends largely upon the character of the farmers, for it requires no little care and skill to produce a first-class article, and the percentage of really high-class dried fruit that is produced each year is about the same as the percentage of really good butter as compared with the total amount that is manufactured.

To obtain the best results, the fruit should be fully ripe and picked by hand, not shaken from the trees, as is too often done by farmers, who will not go to the expense of properly picking their fruit.

The fruit is usually cut and pitted by girls, who lay the halves pit side up upon the trays, which are about three feet wide by eight feet long. The trays are immediately placed in the sulphur house, where the fruit is sulphured by the burning of sulphur. The trays are then spread out in the sun, and the fruit is nearly dried. The trays are then stacked and the curing completed in the shade. This method is pursued in the drying of pears, peaches, apricots, plums, nectarines, etc.

In curing prunes, the fruit is permitted to drop, and is never considered fully ripe or in proper condition for drying so long as it hangs on the tree. The fruit is first dipped in a solution of lye in order to break the skin, then washed in cold water, and spread out upon trays in the sun. It is necessary to cut the skin with lye or the fruit will not dry properly.

Prunes are not sulphured, except in the case of ruby prunes, which are simply black French prunes bleached with sulphur.

In our many years' experience in this line we have learned from what varieties of fruit and from which farmers we can get the best results. It is always our aim to handle the crops of men who thin their fruit properly (that is, who pick off all the excess fruit on their trees in order to permit the full development of the fruit remaining) and who carefully pick and properly dry their crops, and such men are scarce as compared with the total number engaged in the fruit business in this state.

The fruit comes to us just as it is taken from the

trays, and is run over a grader, which sorts the fruit into the various sizes. This grader is made up of a series of perforated zinc plates, with apertures of the proper size for standard, choice and extra choice. Anything larger than extra choice goes over the end of the grader, and is carefully sorted by hand.

To grade fruit properly, the grader is run very slowly, but it has become a very common custom to reduce grades considerably by increasing the speed of the grader, which throws a percentage of standard fruit into the choice, choice into the extra choice, etc. This is one of the tricks of the trade, and accounts often for a variation in price on the same grade of goods.

After the fruit is graded for size it is graded for quality, for in many instances fruit may be of the proper size, while it lacks style in appearance, in which event it is often necessary to drop it back a grade. This is particularly true of the higher grades.

In grading prunes it is impossible to get an accurate count, and they are blended after grading to get them to the proper size. It has become the custom to fill orders on the seven point; that is, a 47 is considered a 40-50 prune and a 57 a 50-60 prune, and so on.

Muscatel raisins are simply dried muscat (white) grapes, and are not processed in any way. The grapes when ripe are picked, spread on trays, and after one side of the raisin is cured, another tray is placed upon the top of the raisins, turned over, and the original tray removed. They are then left in the sun until cured.

The large perfect bunches are sorted out when the raisins are taken from the trays, and the balance of the raisins are dumped into sweat boxes, and when delivered to the packing-house are run through a machine somewhat similar to a thresher, which removes the large stems, and the raisins pass over a series of screens which sorts out the various sizes—that is, Seedless Muscatels, Two Crown, Three Crown and Four Crown. It has always been our custom to hand-sort the Four Crown, for it is, in the nature of things that Four Crown, being the large grapes, would take longer to cure properly, and if the grapes were left until the Four Crown were entirely cured, the smaller sizes would be excessively dried, and we find it necessary to sort out and re-dry any large berries not fully cured.

The grading of raisins is susceptible of much manipulation, and this has been a source of considerable profit to unscrupulous packers, who quote what are apparently lower prices than those of the reliable handlers. A very slight difference in the size of the screens, and but little increased speed of the grader will easily make from  $\frac{1}{4}$  to  $\frac{1}{2}$  cent difference in price.

Before crops were as large as they are at the present time, the fruit was shipped, with the possible exception of prunes, exactly as it came from the growers, that is, in dry, original condition, but competition of late years has become so keen that many abuses have crept in, notably the manipulation of grades and the excessive addition of water, to bring down the price.

This processing is usually done by dipping in either hot or cold water, which increases the weight, and resulphuring, in order to retain the color. This affects the eating quality of the fruit.

When processing we do but little more than ster-



ilize the fruit, and if there is anything that can be said in favor of this method, we can say that it will go a long way toward preventing the fruit from becoming wormy during the hot weather, as it effectually puts an end to all eggs and moths.

Standard peaches, faced with choice, and branded "choice;" 25-lb. boxes that will not weigh gross to exceed 25 or 27 lbs., are also methods used to reduce the price. In other words, the punishment is made to fit the crime. If the current market price on peaches is 6 cents, and some one wants a choice peach at 5½ cents, it is really no trouble to make it.

Now, we have found in long years' experience in this line of business that the only way we can build up a trade that is at all permanent for ourselves, and at the same time for the jobber, is to try to supply good dried fruit. You will agree with us that, after all, the question of the quality of the goods is finally passed upon by the consumer. It is not a question of what you or we want, but what does the consumer want, and what will please him so that he will ask for the same thing the second time? This thought is paramount in our minds.

#### **"SARDINES" FROM THE WEST.**

There has been issued at Washington city a bulletin containing a translation from a semi-official report on the canned food industries of Norway, which has in it a hint that may be very well utilized here, says the *Seattle Post-Intelligencer*. It is shown that the business of canning "sardines" is making extraordinary progress in Norway, some 15,000,000 cans having been put up during 1906. The decline of the American sardine fisheries has had something to do with the advance in Norway. In the same bulletin it is also stated that Japanese sardines have commenced to invade the American market for the same reason.

The "sardines" put up in this country, in Norway and in Japan, are not sardines at all. They are almost entirely sprats or young herrings. "Sardine" has become merely a commercial name, indicating the manner in which the fish are packed in small cans and in oil.

In Puget Sound and in Alaska the supply of fish identical with those which have been canned in Maine and in Norway and Japan is absolutely unlimited at the present time. In many places around Puget Sound, at the proper season, the water is fairly alive with them. Where the cost of fish to the Norwegian cannery is placed in this bulletin at from \$1.60 to as high as \$2.97 a bushel, the identical fish can be secured in these waters at a small fraction of the price.

One small "sardine" factory was started some years ago at Port Townsend, and this seems to have been the only attempt at the opening of this industry of such great potential value and for which the supply of raw material is so abundant in these waters.

In Maine, where the supply of fish is disproportionately small as compared with the supply in these waters, there were during the census year establishments employing during the season 5,000 people and with an annual product of \$4,049,784.

It will be seen that the sardine canneries of the Atlantic seaboard have serious pretensions to rival the salmon industry of Puget Sound in the magnitude of the annual product and in the number of employes. It is an industry which can be established here very readily, and with no heavier expenditure than has already gone into the salmon business. Indeed, it would seem

that there should be a favorable opportunity to establish it here, in connection with a salmon cannery, using the plant for the putting up of the smaller fish between seasons of the salmon run.

This is but one of the many opportunities for profitable development of Washington's industries, as yet untouched, but which apparently has large possibilities.

#### **PAYING FOR CONDEMNED ANIMALS.**

The farmers of Iowa are deeply interested in the questions now pending in Chicago between the packers and the commission men. Under the pure food laws a certain per cent of cattle, as well as hogs and sheep, are condemned by the government experts. These condemned animals are good for nothing except grease. They cannot be sold as meat to consumers. The packers claim that they have been pocketing these losses, but that hereafter they will buy subject to inspection, that is, they will pay meat price for such cattle as pass inspection, and nothing more than grease prices for the condemned animals. That would focus the loss back to the farmer who produced the stuff on his farm. The farmer would be the loser. It would be incumbent on the farmers to see to it that no infected animals were sent to the market. The packers claim that the farmers can take many precautions, that the infected animals are apt to come from certain districts, and from the more thoughtless and careless farmers. The per cent of condemned animals among "cow stuff" is said to be only 2 per cent, which is not large, but as long as the packers bear it there is no incentive for farmers to see to it that their animals are not diseased.

This is one of the complications that has grown out of the recent legislation. It may be that neither commission men nor stock raisers relish the responsibility that is placed upon them. But the loss occasioned by condemnations under the law will eventually have to fall upon the farmers. No one need be surprised to hear that the packers will not bear the losses. They will buy and pay for such animals only as will pass the inspection. A year or so ago every one abused the packers and everyone thought to unload a responsibility on them, but it is not going to rest on them finally. They can protect themselves and they will protect themselves, but it is the individual stock grower who finds it impossible to protect himself. He must take what he can get, and he gets the worst of it, of course. He can not expect to sell diseased or infected animals, animals unfit for food, at good prices. The only question really is whether the price of all stock marketed shall be decreased enough to overcome the losses, through condemnation, or whether the burden shall be put on those who produce the infected animals.—Cedar Rapids Republican.

#### **DAIRY COMPANIES WAR.**

The farmers' co-operative creameries of Delaware county, Iowa, have joined hands in a bitter war against the Dairy City Creamery Company of Manchester, an independent organization which the co-operative institutions claim is trying to get a monopoly on the milk and butter business of this section by unjust methods.

Several representatives from the different co-operative creameries of the county held a meeting recently and framed a protest which has been published in the local papers and which has caused considerable con-



sternation among the farmers who have been sending their milk to the independent corporation.

The Dairy City Creamery was recently awarded a government contract to furnish 300,000 pounds of butter for use in the United States navy and on account of the fancy price which the government is willing to pay for the product, the company is enabled, it claims, to offer the farmers more for their milk than the co-operative creameries. The butter is being put up under the direct supervision of a representative from Swift Co., and is being packed in one, two and three pound jars, which are hermetically sealed and warranted to keep in any climate.

The Dairy City Creamery Company was recently incorporated under the state laws of Iowa and is financed by several prominent local capitalists.

The article published by the co-operative creameries charges the Dairy City Creamery with unfair tests and cites a line of creameries near Elgin, Ill., which have been recently closed because an independent corporation pursued the same methods alleged to be in use by the independent company.

## BOOK REVIEW

*Foods and Their Adulteration.* By Harvey W. Wiley, M. D., Ph. D.

This work, just from the press of P. Blakeston's Son & Co., Philadelphia, Pa., is really but the first part of the subject, although complete within itself. The second part, "Beverages and Their Adulteration," is in preparation. Part I treats of the origin, manufacture and composition of food products, description of common adulteration; food standards, and national food laws and regulations. It is a volume of over 500 pages, illustrated with eleven colored plates and eighty-six other illustrations. Of particular interest are seven colored plates reproduced by courtesy of Armour & Co. of Chicago, illustrating the natural appearance of cuts of healthy beef; also photo-engravings of swarms of bees, artificial bee hives, comb honey, etc., furnished by A. I. Root & Co. of Medina, Ohio. The work is not intended to appeal particularly to the food analyst, although it will be helpful to the chemist in that it contains average analyses of pure goods. In the language of the preface, it has been designed to interest the consumer as well as the manufacturer, the scientific as well as the general reader, all of whom it is hoped will find in it something useful. It will give the physician and sanitarian knowledge of the value of foods, their proper use and inspection, and while not analytical in purpose will provide the chemist with information which will guide him in his work of detecting impurities.

There is no subject of such interest to the populace about which so little is known as food. Dr. Wiley, in his long experience in the Division of Chemistry, Department of Agriculture, is thoroughly prepared to handle this subject, which he does in such a way that readers without scientific training can masticate and digest. The price of the book is \$4.00 net.

Go slow in urging your State to adopt the National Law before it is thoroughly tried by the government.

## CUSTOMS DECISIONS.

### Cider.

Special tax not required for the sale of cider manufactured from pure apple juice, or apple base, to which no distilled spirits, wine, or other alcoholic liquor has been added.

TREASURY DEPARTMENT,

Office of Commissioner of Internal Revenue,

Washington, D. C., May 28, 1907.

Sir—In reply to your letter of the 18th instant, and referring to previous correspondence on the subject, your attention is called to T. D. 20309 of November 9, 1898, and T. D. 27 of January 29, 1900, to the effect that special tax is not required to be paid for the sale of cider, even of an alcoholic strength of 7 or 8 per cent, or more, provided such alcoholic strength has been produced by fermentation of the juice of apples, and not by the addition to such juice of distilled spirits, wine, or other alcoholic liquor. Cider manufactured from the pure juice of apples, to which sufficient sugar to sweeten, coloring matter, and a small quantity of fruit flavoring extract to flavor, and to which nothing else than the substances noted has been added, is not a compound liquor, and special tax is not required for its sale.

Further, you are advised that special tax is not incurred by the manufacture or sale of a beverage made by adding water, sugar, and a small quantity of flavoring extract to a syrup or extract made by evaporating or condensing the pure unfermented juice of the apple to a syrupy or jelly-like consistency.

Respectfully,

ROBT. WILLIAMS, JR.,

*Acting Commissioner.*

MR. EDWARD C. DUNCAN,

*Collector Internal Revenue, Raleigh, N. C.*

## THE GROCER UNDERSTOOD.

She was newly married and did not know a little bit about either housekeeping or shopping, and was giving her first order. It was a crusher; but the grocer was a man used to all kinds of orders, and could interpret them easily.

"I want ten pounds of paralyzed sugar," she began with a business-like air.

"Yes'm. Anything else?"

"Two tins of condemned milk."

"Yes'm; anything else?"

He set down pulverized sugar and condensed milk.

"Anything more, ma'am?"

"A bag of fresh salt. Be sure it is fresh."

"Yes'm. What next?"

"A pound of desecrated codfish."

He wrote glibly "desiccated codfish."

"Nothing more, ma'am? We have some nice horse-radish, just in."

"No," she said, "it would be of no use to us. We don't keep a horse."—Modern Grocer.

You must not have on your label manufactured by you unless you are the actual manufacturer.

**We are the Largest Manufacturers of Prepared  
MUSTARD AND CATSUP**

**HUSS-EDLER PRESERVE COMPANY,**

**Write for Samples and Prices. 75-79 W. Kinzie St., Chicago**



# **DIRECTORY** OF FOOD CONTROL OFFICIALS

## ARIZONA.

### PHOENIX.

#### TERRITORIAL BOARD OF HEALTH.

Robert M. Dodsworth, M. D., Superintendent of Public Health, Secretary of Board.

## CALIFORNIA.

### SAN FRANCISCO.

#### STATE DAIRY AND FOOD BUREAU, 114 CALIFORNIA STREET.

John A. Bliss of Alameda County, Chairman and Treasurer.

W. Frank Pierce of Alameda County.

Geo. R. Sneath of San Mateo County.

Wm. H. Saylor, Secretary and Chemist.

## CANADA.

### OTTAWA.

#### DEPARTMENT OF INLAND REVENUE.

Wm. Templeman, Minister of Inland Revenue.

W. J. Garold, Deputy Minister.

Thos. Macfarlane, Chief Analyst. (Deceased.)

Anthony McGill, Assistant to Chief Analyst.

S. E. Wright, Assistant Analyst.

E. Davidson, Assistant Analyst.

A. Lemoine, Assistant Analyst.

J. A. Valin, Assistant Analyst.

## COLORADO.

### DENVER.

Mrs. Mary Wright, Dairy Commissioner.

Miss Belle P. Gill, Deputy Commissioner.

## CONNECTICUT.

### HARTFORD.

J. B. Noble, Commissioner.

R. O. Eaton, Deputy Commissioner.

A. L. Winton, Agricultural Experiment Station, New Haven, Chemist.

## DISTRICT OF COLUMBIA.

### WASHINGTON, D. C.

#### HEALTH DEPARTMENT.

Health Officer, William C. Woodward.

Chemist, R. L. Lynch.

Deputy Health Officer, H. C. McLean.

Chief Inspector, Dr. Murray G. Motter.

## GEORGIA.

### ATLANTA.

T. G. Hudson, Commissioner of Agriculture.

R. F. Wright, Assistant Commissioner of Agriculture.

John M. McCandless, State Chemist.

R. G. Williams, First Assistant State Chemist.

James Q. Burton, Second Assistant State Chemist.

## IDAHO.

### BOISE.

#### STATE DAIRY, PURE FOOD AND OIL COMMISSION.

J. R. Field, New Plymouth, Commissioner.

Prof. S. R. Macy, State Chemist.

## ILLINOIS.

### CHICAGO.

Alfred H. Jones, State Food Commissioner.

H. E. Schuknecht Assistant Food Commissioner.

T. J. Bryan, State Analyst.

Miss Lucy Doggett, Assistant State Analyst.

L. L. Nchls, Chemist Stock Foods.

Frank Hoey, Chicago, Inspector.

C. H. Kjellquist, Rockford, Inspector.

J. C. Eagleton, Robinson, Inspector.

H. J. Hamlin, Jr., Shelbyville, Inspector.

Harrison Kennicott, Glen View, Inspector.

J. L. McLaughlin, Chicago, Inspector.

## INDIANA.

### INDIANAPOLIS.

#### STATE BOARD OF HEALTH.

J. N. Hurty, M. D., Phar. D., Secretary of State Board of Health and State Food and Drug Inspector.

H. E. Barnard, B. S., Chemist.

H. E. Bishop, B. S., Assistant Chemist.

## IOWA.

### DES MOINES.

#### STATE FOOD AND DAIRY COMMISSION.

H. R. Wright, Commissioner.

W. E. Smith, Deputy Commissioner.

W. B. Johnson, Assistant Commissioner.

F. L. Odell, Assistant Commissioner.

J. R. Chittick, Chemist.

Miss Avis Talcott, Assistant Chemist.

## KANSAS.

### TOPEKA.

#### STATE BOARD OF HEALTH.

L. A. Golden, M. D., President.

S. J. Crumbine, M. D., Secretary.

E. H. S. Bailey, Ph. D., Chemist.

#### THE STATE AGRICULTURAL COLLEGE.

#### DEPARTMENT OF CHEMISTRY.

### MANHATTAN.

J. T. Willard, M. S., Professor of Chemistry.

H. A. Wood, B. S., Assistant in Chemistry.

H. H. King, M. A., Assistant in Chemistry.

E. C. Crowley, Ph. B., Assistant in Chemistry.

Alice M. Melton, B. S., Clerk.

## KENTUCKY.

### LEXINGTON.

M. A. Scovell, Director Experiment Station.

R. M. Allen, Secretary and Executive Officer, Food Division.

J. O. La Bach, Chemist, Food Division.

## LOUISIANA.

### NEW ORLEANS.

#### THE STATE BOARD OF HEALTH.

C. H. Irion, M. D., President, New Orleans.

W. Glendower Owen, M. D., Vice-President, White Castle.

W. S. Ingram, Secretary, New Orleans.

## MAINE.

### AUGUSTA.

A. W. Gilman, Commissioner.

L. H. Merrill, Chemist in charge Food Analysis.

## MARYLAND.

### BALTIMORE.

#### THE STATE BOARD OF HEALTH.

Dr. Wm. H. Welch, President.

John S. Fulton, M. D., Secretary.

## MASSACHUSETTS.

### BOSTON.

#### BOARD OF AGRICULTURE, ROOM 136, STATE HOUSE.

P. M. Howard, General Agent, Massachusetts Dairy Bureau.

J. Lewis Ellsworth, Executive Officer and Secretary of the State Board of Agriculture.

C. D. Richardson, West Brookfield, Chairman of Dairy Bureau.

#### FOOD DIVISION OF BOARD OF HEALTH.

Charles Harrington, M. D., Secretary.

Albert E. Leach, Chemist, Food and Drug Analyses.

Chas. A. Goessman, Milk Analyst for Western Mass

H. C. Lythgoe, Assistant Chemist.

## MICHIGAN.

### LANSING.

A. C. Bird, State Dairy and Food Commissioner.

Colon C. Lillie, Deputy Commissioner.

Floyd W. Robison, State Analyst.

L. H. Van Wormer, Assistant Chemist.

## MINNESOTA.

### ST. PAUL.

#### STAFF OF THE DAIRY AND FOOD COMMISSION.

E. K. Slater, Commissioner.

John McCabe, Assistant Commissioner.

W. W. Wall, Secretary.

Julius Hortvet, Chemist.

R. M. West, Assistant Chemist.

Miss Marjorie Cole, Assistant Chemist.

Genevieve Imus, Assistant Chemist.

## MISSOURI.

### COLUMBIA.

Robert M. Washburn, State Dairy Commissioner.

D. J. Clifford, Deputy State Dairy Commissioner.

## MONTANA.

#### MONTANA MEAT AND MILK INSPECTION COMMISSION.

### HELENA.

Dr. Wm. Treacy, President.

Dr. Thomas D. Tuttle.

M. E. Knowles, Secretary.

## NEBRASKA.

### LINCOLN.

#### NEBRASKA FOOD COMMISSION.

W. F. Thompson, in charge of the department.

E. L. Redfern, State Chemist.

## NEW HAMPSHIRE.

### CONCORD.

#### STATE BOARD OF HEALTH.

G. P. Conn, M. D., President.



Irving A. Watson, M. D., Sec. and Director of Laboratory  
Chas. D. Howard, B. S., Chemist.  
Walter B. Pope, Assistant Chemist.

## NEW JERSEY.

## TRENTON.

## STATE BOARD OF HEALTH.

Cyrus F. Brackett, M. D., LL. D., President.  
Henry Mitchell, Secretary.  
R. B. Fitz, Randolph, Dir. State Laboratory of Hygiene.  
Shippen Wallace, Analyst.  
Wm. G. Tice, Analyst.

## NEW YORK.

## ALBANY.

## DEPARTMENT OF AGRICULTURE.

Charles A. Wieting, Commissioner.  
George L. Flanders, Assistant Com., Albany, N. Y.  
Henry J. Kracke, Assistant Com., New York City.  
Ebenezer J. Preston, Assistant Com., Amenia, N. Y.  
Robt. McAdam, Acting Assistant Com., Utica, N. Y.  
S. Brown Richardson, Assistant Com., Lowville, N. Y.  
Charles T. Russell, Assistant Com., Munsville, N. Y.  
Verlett C. Beebe, Assistant Com., Arcade, N. Y.  
William T. Hughes, Assistant Com., Rochester, N. Y.  
John H. Grant, Assistant Commissioner, Buffalo, N. Y.  
James P. Clark, Assistant Com., Falconer, N. Y.

## STATE DEPARTMENT OF HEALTH.

Eugene H. Porter, M. D., Commissioner.  
Alec. H. Seymour, Secretary.  
F. D. Beagle, Chief Clerk.  
Prof. Willis G. Tucker, M. D., Dir. Bureau of Chemistry.

## NORTH CAROLINA.

## RALEIGH.

## BOARD OF AGRICULTURE.

S. L. Patterson, Commissioner.  
T. K. Bruner, Secretary.  
B. W. Kilgore, State Chemist.  
W. M. Allen, Food Chemist.

## NORTH DAKOTA.

## FARGO.

E. F. Ladd, Food Commissioner.  
R. F. Flint, Dairy Commissioner.

## OHIO.

## COLUMBUS.

## OHIO DAIRY AND FOOD COMMISSION.

Hon. Renick W. Dunlap, Commissioner, Columbus.  
Charles H. May, Chief Inspector, Circleville.  
William Martin, Assistant Com., Chardon.  
John J. Kinney, Assistant Com., Cincinnati.  
Dr. James H. Beal, Drug Inspector, Scio.  
T. D. Wetterstroem, Chemist, Cincinnati, 3935 Spring Grove Avenue.  
Prof. William McPherson, Chemist, Columbus.  
O. S. Marckworth, Chemist, Columbus.  
Dr. J. A. Beer, Chemist, Columbus.  
Prof. Perry L. Hobbs, Chemist, Cleveland.  
Prof. Azor Thurston, Chemist, Grand Rapids, Ohio.  
Prof. H. K. Newton, Chemist, Cleveland.  
W. E. Johnson, Food Inspector, Jackson.  
E. J. Riggs, Food Inspector, Gallipolis.  
C. M. Shafer, Food Inspector, Canal Fulton.  
Anthony Sauer, Food Inspector, Cincinnati.  
C. H. Waid, Food Inspector, Wauseon.  
S. P. Ewing, Food Inspector, Columbus.

## OREGON.

## PORTLAND.

J. W. Bailey, Dairy and Food Commissioner.  
H. V. Tartar, Deputy Dairy and Food Commissioner.  
Dr. Charles Withycombe, Dir. Oregon Experiment Station.

## PENNSYLVANIA.

## HARRISBURG.

DEPARTMENT OF AGRICULTURE AND DAIRY AND FOOD COMMISSION.  
N. B. Critchfield, Secretary of Agriculture.  
James Foust, Dairy and Food Commissioner.  
Oliver D. Schock, Assistant Dairy and Food Commissioner.  
Prof. C. B. Cochran, Chief Chemist.

## RHODE ISLAND.

## PROVIDENCE.

## BOARD OF HEALTH.

Albert G. Sprague, M. D., President.  
Gardner T. Swartz, M. D., Secretary.

## SOUTH CAROLINA.

## CHARLESTON.

## BOARD OF HEALTH.

T. Grange Simons, M. D., Chairman.  
James Evans, Secretary, Florence.  
Ross Moody, Laramie, Assistant State Chemist.

## SOUTH DAKOTA.

## BROOKINGS.

A. H. Wheaton, Food and Dairy Commissioner.  
G. D. Grover, Assistant.  
F. G. Orr, Chief Clerk, Evarts, S. D.  
Prof. J. H. Shepard, Brookings, S. D., State Chemist.

## TENNESSEE.

## NASHVILLE.

## BOARD OF HEALTH.

Dr. Hebor Jones, Vice President, Memphis.  
Dr. T. E. Abernathy, Chattanooga.  
Hon. W. W. Ogilvie, Nashville.  
Dr. R. E. Fort, Nashville.  
John S. Hammel, Clerk.  
Dr. Louis Leroy, State Bacteriologist.

## TEXAS.

## AUSTIN.

DEPARTMENT OF PUBLIC HEALTH AND VITAL STATISTICS.  
Dr. Geo. R. Tabor, State Health Officer.  
E. E. Walker, Secretary.

## UNITED STATES.

## WASHINGTON, D. C.

## DEPARTMENT OF AGRICULTURE.

James Wilson, Secretary.  
W. M. Hays, Assistant Secretary.  
H. W. Wiley, Chief, Bureau of Chemistry.  
W. D. Bigelow, Chief, Division of Foods.  
G. E. Patrick, Chief of Dairy Laboratory.  
Dr. L. F. Kebler, Chief of Drugs Laboratory.  
R. E. Doolittle, Chief of New York Laboratory.  
R. A. Gould, Chief of San Francisco Laboratory.  
B. H. Smith, Chief of Boston Laboratory.  
Howard V. Frost, Chief of Chicago Laboratory.  
C. F. Brinton, Chief of Philadelphia Laboratory.  
C. W. Harrison, Chief of New Orleans Laboratory.

## BUREAU OF ANIMAL INDUSTRY.

A. D. Melvin, Chief of Bureau.  
R. P. Steddom, Chief of Inspection Division.  
Ed H. Webster, Chief of Dairy Division.

## TREASURY DEPARTMENT.

## BUREAU OF INTERNAL REVENUE.

John W. Yerkes, Commissioner of Internal Revenue.  
L. M. Tolman, Chief, Division of Chemistry.  
S. L. Stephenson, Chief, Division of Distilled Spirits.  
C. A. Bates, Chief, Division of Assessments.

## UTAH.

## SALT LAKE CITY.

John Peterson, State Dairy and Food Commissioner.  
Herman Harms, State Chemist.

## VERMONT.

## BRATTLEBORO.

## STATE BOARD OF HEALTH.

Charles S. Caverly, M. D., President, Rutland, Vt.  
Henry D. Holton, M. D., Secretary, Brattleboro, Vt.  
B. H. Stone, M. D., Director of Laboratory.  
C. P. Moat, Chemist.  
H. L. White, Chemist.

## VIRGINIA.

## RICHMOND.

G. W. Koiner, Commissioner of Agriculture.  
E. W. Magruder, Chief Chemist.

## WASHINGTON.

## DAVENPORT.

L. Davies, State Dairy and Food Commissioner, Davenport, Washington.

L. W. Hanson, Deputy Dairy and Food Commissioner, Seattle.

Prof. Elton Fulmer, State Chemist, Pullman, Washington.

## WEST VIRGINIA.

## CHARLESTON.

## STATE BOARD OF AGRICULTURE.

James O. Thompson, Secretary.

## WISCONSIN.

## MADISON.

J. Q. Emery, Dairy and Food Commissioner.  
H. S. Baer, Assistant Commissioner, Dairy Expert.  
J. G. Moore, Second Asst. Commissioner, Creamery Expert.  
F. M. Buzzell, Chief Food Inspector.  
Richard Fischer, Ph. D., Chemist.  
A. G. Kundert, Assistant Chemist.  
F. W. Tweeden, Assistant Chemist.

## WYOMING.

## EVANSTON.

## STATE BOARD OF HEALTH.

E. W. Burke, State Dairy and Food Commissioner.  
Prof. Henry G. Knight, State Chemist, Laramie.



# THE AMERICAN FOOD JOURNAL



Vol. II No. 7

CHICAGO, JULY 15, 1907

10c. Per Copy  
Monthly \$1.00 Per Year



**HON. JAMES FOUST**  
Pennsylvania Dairy and Food Commissioner





**HIGHLAND**  
AND  
**OUR PET**  
BRAND



**Evaporated Milk**  
UNSWEETENED

Sold under guarantee which has been filed with the Secretary of Agriculture,  
Washington, D. C., under number 1031.

---

---

**HELVETIA MILK CONDENSING CO.**

**Main Office: HIGHLAND, ILL.**

**Sales Offices:**

**NEW YORK**

**CHICAGO**

**SAN FRANCISCO**

**ATLAS**  
**Harmless Synthetic Colors**

**ATLAS VEGETABLE COLORS**  
**IN PASTE OR DRY FORM**

**Atlas Carmine**

**No. 40**

Guaranteed absolutely free  
from coal tar matter. Has  
no equal in strength, clearness  
or brilliancy.



**Koncentrona**

**:: :: OUR NEW :: ::**  
**VEGETABLE BROWN**

To replace Coal Tar or Iron  
Browns. The only adaptable  
Vegetable Brown, very strong  
and correct in shade.

**H. KOHNSTAMM & COMPANY**

Established 1851

**112 Franklin Street, CHICAGO**

**87 Park Place, NEW YORK**



# THE AMERICAN FOOD JOURNAL



Vol. 2. No. 7.

CHICAGO, JULY 15, 1907.

Monthly, \$1 Per Year.  
10c Per Copy.

## Program OF THE ELEVENTH ANNUAL CONVENTION OF THE Association of State and National Food and Dairy Departments AT THE Jamestown Ter-Centennial Exposition, July 16-19, 1907

MEETINGS IN EXPOSITION CONVENTION HALL  
HOTEL HEADQUARTERS, INSIDE INN

### ANNOUNCEMENT.

The Association of State and National Food and Dairy Departments will call together at Jamestown, July 16-19, the most important pure food meeting ever held. It will be a joint meeting of commissioners, standard committees, chemists and inspectors, both from the state and federal government. In no other way is there such opportunity to glean the opinions and experiences of all food control officials and to have statements measured by such an array of other experiences and conclusions as in the joint discussions which the association's sessions afford.

Closer restriction and prohibition of artificial color, which, whether harmful or harmless, is the cloak of most food frauds; problems of sanitation in production, preparation, transportation and marketing; the city milk supply; the uninspected local slaughtering house, bake shop, soda fountain and ice cream plant; co-operation between the state and municipal authorities, and between the states and federal government; uniform legislation, based upon the combined best in

the state and national laws, and not on any imperfections which may have been influenced into either; the continuance of the joint committee from the Official Agricultural Chemists and from the Official Food Analysts to collaborate the research of scientists and the experiences of producers and manufacturers for the mutual information of both the food officials and manufacturers. These and other questions, the subjects of discussions and extended hearings in the past, will be considered at this meeting with a view to final recommendations where additional legislation is needed, or final action where present laws are sufficient.

The importance of good state laws is emphasized more than ever by the enactment of the national law. The national law applies only to interstate commerce. It does not inspect food and drugs made and sold wholly within a state, or any adulteration or misbranding practiced after the original package has been changed in the state market. Therefore, that state which does not maintain close inspection over its own



commerce will become more than ever the dumping ground for adulterations.

Of special interest is the fact that a committee from the National Consumers' League will be present to make specific recommendations for uniform food laws and to offer co-operation in the association work for uniformity.

#### THE EXECUTIVE COMMITTEE.

#### OFFICERS OF THE ASSOCIATION.

Horace Ankeney, President, Xenia, Ohio.  
E. F. Ladd, First Vice-President, Fargo North Dakota.  
E. W. Burke, Second Vice-President, Evanston, Wyoming.  
H. E. Schuknecht, Third Vice-President, Chicago, Ill.  
R. M. Allen, Secretary, Lexington, Kentucky.  
T. K. Bruner, Treasurer, Raleigh, North Carolina.

#### EXECUTIVE COMMITTEE.

The President and the Secretary.  
J. Q. Emery, Madison, Wisconsin.  
F. J. H. Kracke, New York City.  
J. B. Noble, Hartford, Connecticut.

#### JOINT FOOD STANDARD COMMISSION FROM THE ASSOCIATION OF STATE AND NATIONAL FOOD AND DAIRY DEPARTMENTS, AND FROM THE ASSOCIATIONS OF OFFICIAL AGRICULTURAL CHEMISTS.

William Frear, State College, Pennsylvania.  
H. E. Barnard, Indianapolis, Indiana.  
Richard Fischer, Madison, Wisconsin.  
Elton Fulmer, Pullman, Washington.  
E. H. Jenkins, New Haven, Connecticut.  
M. A. Scovell, Lexington, Kentucky.  
H. A. Weber, Columbus, Ohio.  
H. W. Wiley, Washington, D. C.  
H. E. Schuknecht, 1623 Manhattan Building, Chicago, Ill.,  
Committeeman on Transportation.

#### TUESDAY, JULY 16, 10 A. M.

##### Introductory:

Honorable F. J. H. Kracke, Naval Officer, Port of New York.

##### President's Address:

Honorable Horace Ankeney, Xenia, Ohio.

##### Reports of Officers and Committees.

##### Appointment of Committees.

#### TUESDAY, JULY 16, 2 P. M.

1. "Publicity in the Enforcement of Pure Food Laws,"  
Honorable Edward K. Slater, Commissioner Dairy and Food Department, St. Paul, Minn.
2. "Co-operation Between the Federal and State Authorities,"  
Dr. H. W. Wiley, Chief Bureau of Chemistry, U. S. Department of Agriculture, Washington, D. C.
3. "Co-operation Between the State and Federal Authorities,"  
Honorable A. H. Jones, State Food Commissioner, Chicago, Illinois.
4. "Co-operation Between State and City Health Authorities,"  
Dr. Eugene H. Porter, Commissioner of Health, Albany, New York.
5. "Possible Accomplishments by Independent City Action,"  
Dr. W. P. Cutler, General Food Inspector, Board of Health, Kansas City, Missouri.
6. "Food Control Work in the South During the Past Year,"  
Honorable T. K. Bruner, Secretary Department of Agriculture, Raleigh, N. C.
7. "Commissioners' Rulings,"  
Honorable A. C. Bird, Commissioner Dairy and Food Department, Lansing, Michigan.
8. "Review of Port Inspection Work,"  
Professor R. E. Doolittle, Chief of Food Inspection Laboratory, Appraiser's Stores, New York.

#### WEDNESDAY, JULY 17, 9 A. M.

9. "City Milk Supply Inspection,"  
Mr. H. E. Schuknecht, Assistant State Food Commissioner, Chicago, Illinois.
10. "The Score Card and Its Application in Dairy Inspection,"  
Professor E. H. Webster, Chief of Dairy Division, Department of Agriculture, Washington, D. C.

11. "Composition of Market Condensed Milks,"  
Professor Elton Fulmer, State Chemist, Pullman, Washington.
12. "Has the Milk Standard Outlived Its Usefulness,"  
Honorable P. M. Harwood, General Agent, Massachusetts Dairy Bureau, Boston, Mass.
13. "The Dairy Interest of Colorado,"  
Honorable B. G. D. Bishopp, State Dairy Commissioner, Denver, Colorado.
14. "Milk Inspection Work at Richmond, Virginia,"  
Dr. E. C. Levy, Chief Health Officer, Richmond, Virginia.
15. "Butter and Cheese Factory Sanitation,"  
Professor A. H. Wheaton, Dairy and Food Commissioner, Brookings, South Dakota.
16. "Adulteration in Confectionery,"  
Professor C. B. Cochran, State Chemist, West Chester, Pennsylvania.
17. Address,  
Professor W. M. Allen, State Food Analyst, Raleigh, North Carolina.

#### WEDNESDAY, JULY 17, 2 P. M.

18. "Conditions in the Drug Trade Affecting U. S. P. Requirements,"  
Professor H. E. Barnard, Chemist and State Food and Drug Commissioner, Indianapolis, Indiana.
19. "A Resume of State Drug Legislation, Its Efficiency and Faults,"  
Dr. J. H. Beal, Chief Drug Inspector, Ohio Dairy and Food Department, Scio, Ohio.
20. "Diabetic Foods,"  
Dr. A. L. Winton, Chief of the Chicago Food and Drug Laboratory of the U. S. Bureau of Chemistry, Manhattan Building, Chicago, Ill.
21. "Some Fallacies in Proprietary Foods,"  
Prof. J. O. LaBach, Chief Chemist, Division of State Food Inspection, Kentucky Agricultural Experiment Station, Lexington, Ky.
22. "Antiseptics in Tomato Catsup,"  
Professor Floyd W. Robinson, State Analyst, Lansing, Michigan.
23. "Restrictions of Artificial Color in the Preparation of Food Products with Specific Recommendations,"  
Professor Julius Hortvet, State Analyst, St. Paul, Minnesota.
24. "Color in Butter,"  
Honorable R. M. Washburn, State Dairy Commissioner, Columbia, Missouri.
25. "Importance in Prohibiting the Use of Artificial Coloring Where Such is Used for the Purpose of Deception,"  
Professor E. H. S. Bailey, Food Analyst, State Board of Health, Topeka, Kansas.

#### THURSDAY, JULY 18, 9 A. M.

26. "Like Substances,"  
Professor James H. Shepard, State Analyst, Brookings, S. D.
27. "Local Slaughter House Inspection,"  
Dr. Irving A. Watson, Secretary State Board of Health, Concord, N. H.
28. "Plain Labeling,"  
Mr. Robert McDowell Allen, Head Division State Food Inspection, Kentucky Agricultural Experiment Station, Lexington, Ky.
29. "Bleached Flour,"  
Professor E. F. Ladd, Chemist and Food Commissioner, Fargo, North Dakota.
30. "A Review of Food Control Work in the West,"  
Honorable E. W. Burke, State Dairy and Food Commissioner, Evanston, Wyoming.
31. "The Guaranty Clause,"  
Professor E. W. Magruder, Chief Chemist, Department of Agriculture, Richmond, Va.
32. "Notes on the National Spice Standards,"  
Dr. William Frear, Vice-Director and Chemist Agricultural Experiment Station, State College, Pa.
33. "The Sanitary Side of the Production, Manufacture and Distribution of Food Products,"  
Dr. T. J. Bryan, State Analyst, Chicago, Illinois.
34. "Fillers in Canned Goods,"  
Professor Charles D. Howard, Chemist, State Board of Health, Concord, New Hampshire.

#### THURSDAY, JULY 18, 2 P. M.

35. "The People's Lobby and Its Pure Food Work,"  
Mr. Henry Beach Needham, Secretary, Washington, D. C.



36. "The Preparation of Fruit and Vegetables Products With and Without Preservatives,"  
Mr. Sebastian Mueller, Pittsburg, Pa.
37. "The Preparation of Tomato Catsup With and Without Preservatives,"  
Mr. Chas. F. Loudon, Terre Haute, Ind.
38. "Adulteration in Confectionery,"  
V. L. Price, St. Louis, Mo.
39. "The preparation and Distribution of Fruit Syrups With and Without Preservatives,"  
Mr. A. G. Richardson, Rochester, N. Y.
40. "Restriction and Prohibition of Artificial Colors in Foods,"  
Mr. Jay D. Miller, Attorney, Chicago, Ill.
41. "American Wines and the Pure Food Laws,"  
Mr. Percy T. Morgan, San Francisco, Cal.

FRIDAY, JULY 19, 9 A. M.

42. "Need for Uniform Standards among the States and Between the States and Federal Government,"  
Honorable A. F. Hitt, State Dairy, Food and Oil Commissioner, Boise, Idaho.
43. "Extent and Results of Food Standard Work, Hindrances in the Work for Uniform Standards,"  
Dr. M. A. Scovell, Director, Kentucky Agricultural Experiment Station, Lexington, Ky.
44. "Report of Food Standard Committee,"  
Dr. Richard Fischer, Chemist, Dairy and Food Commission, Madison, Wisconsin.
45. "The National Consumers' League's Work for Uniform Laws,"  
Miss Alice Lakey, Chairman, Food Investigation Committee, National Consumers' League, Cranford, N. J.

FRIDAY, JULY 19, 2 P. M.

46. "Uniform Laws,"  
Honorable J. Q. Emery, Dairy and Food Commissioner, Madison, Wisconsin.
47. "Some Agreed Principles upon Which to Base Uniformity,"  
Honorable J. B. Noble, State Dairy and Food Commissioner, Hartford, Conn.

Specific Recommendations for Uniform Legislation Regarding Color:

Julius Hortvet,  
A. L. Winton,  
W. M. Allen,  
C. B. Cochran,  
E. W. Burke.

Antiseptics:

James H. Shepard,  
Richard Fischer,  
Floyd W. Robinson,  
J. O. La Bach,  
A. L. Winton.

Standards:

M. A. Scovell,  
A. H. Jones,  
H. E. Barnard,  
T. K. Bruner,  
F. J. H. Kracke.

Labeling and Guaranty Clause:

E. W. Magrauder,  
R. M. Allen,  
J. B. Noble,  
W. D. Bigelow,  
A. F. Hitt.

Adulteration by Disease and Contamination:

E. H. Webster,  
T. J. Bryan,  
E. H. S. Bailey,  
Elton Fulmer,  
Eugene H. Porter.

Insufficient Ripening, Storing, and Preparation:

H. W. Wiley,  
James H. Shepard,  
W. M. Allen,  
H. E. Schulknecht,  
R. E. Doolittle.

Confectionery:

E. F. Ladd,  
C. B. Cochran,  
E. K. Slater,  
Charles D. Howard,  
James Foust.

## NATIONAL FOOD AND DRUGS ACT MAY BE UNCONSTITUTIONAL.

### Address of Senator Philander C. Knox to the Graduating Classes of the Law School of Yale University, June 24, 1907.

#### The Development of the Federal Power to Regulate Commerce.

Mr. President, Mr. Dean and Gentlemen of the Yale Law School:

There are no questions before the American people to-day of greater importance than those relating to the Federal control over commerce.

That power was granted chiefly as a safeguard against commercial hostilities and reprisals between the States. It remained practically dormant until comparatively recent years. It is now clearly recognized as a great affirmative and constructive power, not limited to composing differences between State laws and systems, but constitutionally capable of effective and fruitful development in a region all its own. In some respects it may be said to be the greatest power lodged in the general Government, and the possibilities of its application are co-extensive with the possibilities of the expansion of the vast subject to which it applies.

Nothing, therefore, is of more consequence in our governmental affairs than an accurate understanding of the scope of the National and State powers in respect to commerce and the activities related to commerce, for no effective regulation is possible in either sovereignty if the power of the one could be usurped

or obstructed by the other. This will be understood and conceded, except by those who appear to think the Federal Government can constitutionally accomplish everything that seems good for the people and are constantly raising expectations upon this line which cannot possibly be fulfilled.

Notwithstanding the complex system of polity which prevails in this country, the American people have a complete and entire system of government with all the powers necessary to deal with every subject and situation. All governmental authority is included in one or the other, or in both, of the two sovereignties which constitute the American system.

The fact that the State governments are supreme in State affairs, and the National government supreme in National affairs does not result in the deduction that there are any affairs which may escape government control.

While the constitutional powers of the Nation and the reserved powers of the States remain ever the same, the question as to when an act or transaction is exclusively a State affair, subject to State control, or a National matter subject to National control, is one of fact as well as law, and it can be readily understood that the facts differ at different periods of our devel-



opment and under different circumstances relating to the subject.

That which in the earlier period of our history was a matter of State concern may become one of National concern by the establishment of commercial intercourse in respect to it with other States and foreign nations, or become a National concern because of conditions affecting the subject which call for the exercise of national power theretofore dormant. The power to regulate this intercourse or commerce between the States, the right to engage in which the Constitution did not create, but which existed at the time of its adoption, was given to the Federal Government by the Constitution.

The constitutional power of regulation having been granted to the Federal Government in respect of a subject naturally liable to development and change, it can be said its authors contemplated a corresponding enlargement; not, be it observed, in the power, but in its application to the expanding subject. When Congressional powers are applied to new conditions it is not, as it sometimes seems to be, an extension or expansion of the power, but an indication of a change, in, or extension or expansion of the subject upon which the power operates. Neither the power to regulate commerce nor the conception of its scope has expanded beyond its definition by the Supreme Court when first considered, nearly one hundred years ago. It was then pronounced "complete in itself, that it may be exercised to its utmost extent and acknowledges no limitations other than are prescribed by the Constitution."

"The design and object of that power (the commercial power), as evinced in the history of the Constitution, was to establish a perfect equality amongst the several States as to commercial rights and to prevent unjust and invidious distinctions which local jealousies or local and partial interests might be disposed to introduce and maintain."

The necessity to exercise the National power over commerce arises largely out of the failure of the States to regulate wisely great corporations created by and under the dominion of the States and engaged in interstate commerce. That failure has led to well-known abuses which affect interstate commerce, and thereby created the necessity for the exercise of Federal regulation to prevent the abuse.

The necessity for the exercise of Federal Regulation almost always springs from causes the States could have prevented.

The National power of regulation should only be invoked when necessity for regulation exists. Normally and honestly conducted commerce requires but little if any governmental regulation, and the failure by Congress to regulate interstate commerce is equivalent to a legislative declaration that it shall be free. Abnormal conditions in commercial intercourse caused by monopolies, preferential service, rebates and the like, destroy the normal operations of commerce and create the demand for Federal regulation to restore the rule of freedom and equality.

The pressure of the accumulated evils and abuses of many years of inadequately regulated commerce in this country culminated some few years ago in an imperative necessity for action to test the adequacy of existing laws to meet the situation, and the enactment of such additional ones as should prove to be neces-

sary to restore and preserve freedom and equality in interstate and foreign commerce.

The combinations to control the production, distribution and sale of commodities which were to be subjects of interstate commerce; the combinations between and the mergers of interstate railroads, designed to bring under one control the transportation business of large areas of the country; the unjust discriminations to favored shippers and localities, both in the carrying service and the rates charged therefor; the secrecy surrounding the operations of corporations rendering service to the public had utterly destroyed in many localities the ability of other persons and concerns to engage in commercial competition with the favored ones who enjoyed such unfair and illegal advantages.

A brief statement of how this situation was dealt with by the National Government, the theory upon which the Government proceeded, and some observations upon certain mischievous misconceptions as to the scope of the powers that have been successfully invoked to correct the evils I have named, will not, I hope, be uninteresting nor uninformative.

First, the scope of existing laws was tested through a series of suits. These suits had for their main purpose to determine the effectiveness of existing statutes to reach new types of combination, to restrain the free-play of the law of competition, and new and subtle discriminatory devices which had sprung from fertile and experienced minds instructed in the interpretations the courts had put upon the existing laws.

The purposes for which this litigation was undertaken were all accomplished. The completeness of the Federal power over commerce was reaffirmed and declared to extend among other things to the holding company.

This device which had been successfully employed to establish under one control the leading productive industries of the country was declared illegal when utilized to absorb competing systems of interstate railroads, and thereby we escaped a danger to our commerce, our Government and our very liberties, the magnitude of which can scarcely be grasped.

It was likewise judicially determined that a combination between a railroad company and a shipper, to grant the latter an unlawful rebate which results in the establishing of a monopoly, is a violation of the Sherman Act, and that a court of equity might restrain the guilty parties at the suit of the Attorney-General of the United States, as well under that Act, as under the general jurisdiction in equity. Of almost equal importance was the decision that the operations of a monopolistic combination within a State may be so connected with those between the States as to bring the whole under the regulative power of Congress.

Notwithstanding the success which attended these suits, there was developed a number of serious defects and omissions in National legislation necessary to be corrected, if the avenues of commerce were to be kept open to all upon the same terms, and if a speedy and workable remedy for violations of the law was to be placed in the hands of the Government itself to restore the rule of freedom and equality in interstate and foreign commerce.

The legislation proposed to the Fifty-seventh Congress as necessary to accomplish the restoration of the normal commercial rule, all of which was promptly enacted, was:

1st. That in respect of railroad rebates, the omis-



sion in the act to regulate commerce to punish the beneficiary should be supplied by imposing a penalty, not only upon the carrier who gave, but upon the shipper who received, such rebates, and that the power of the equity courts to restrain such practices at the suit of the United States should be made certain by statute.

2d. That it should be made unlawful to transport traffic by carriers subject to the act to regulate commerce at any rate less than such carriers' published rate, and that all who participated in the violation of such law should be punished.

3d. That a comprehensive plan should be framed to enable the Government to get at all the facts bearing upon the organization and practices of concerns engaged in interstate and foreign commerce essential to a full understanding thereof.

4th. Another step in legislation which was earnestly recommended was an act to speed the final decision of cases under the interstate commerce and anti-trust law.

These laws, enacted during the short session of the 57th Congress, were followed by the railroad rate law of the 59th Congress, the principal feature of which is the grant of power to the Interstate Commerce Commission to fix a reasonable rate for the carriage of goods and persons.

These laws were designed to secure equality in transportation service and equality, stability and reasonableness in transportation charges. They provide a swift remedy at the suit of the Government in its own courts of equity, thereby relieving the individual sufferer from the expense and delay incident to a private suit.

All these laws have been declared constitutional, except the railroad rate act, and as to that act, not yet passed upon by the courts, it is believed by the great weight of legal opinion to be constitutional in respect to the power to fix reasonable rates and practices.

The public satisfaction resulting from the enactment and the enforcement of these statutes regulating commerce has induced some persons to contend that the Congressional power to regulate commerce is a panacea for many other public evils, and it is proposed to utilize that power to accomplish ends not within the national jurisdiction, and having no relation to the subject of the power.

"The power to regulate is the power to prescribe the rule by which commerce is to be governed." These are the words of Chief Justice Marshall in *Gibbons vs. Ogden*.

This power of prescribing the rule by which commerce is to be conducted extends to commerce itself and to the instrumentalities of commerce.

By commerce itself, I mean the activities and intercourse which constitute the commercial relation. By the instrumentalities of commerce, I mean the animate and inanimate means used to maintain and carry on commercial intercourse.

As to these activities and intercourse which constitute commerce, Congress has from time to time prescribed certain rules; such for instance as the rule that commerce shall be free from monopoly and restraint effected by combinations, and that the general rule of competition shall have free-play.

As to the animate and inanimate means, or instrumentalities by which commerce is conducted, Congress has likewise prescribed various rules; such as contained in the railroad safety appliance act, and the act

prescribing the hours of labor of employes upon railroads engaged in interstate commerce.

Over this subject of commerce among the States and with foreign nations, and its instrumentalities, the power of Congress is plenary. It may be exercised in the most general or minute way. For this purpose, Congress possesses all powers which existed in the States before the adoption of the National Constitution, and its power when the subject is national is or may be made exclusive. The constitutions, laws, corporations and citizens of the States are subject to this paramount authority. Congress can regulate anything, everything, any and every person, natural or artificial, in the sense that it can prohibit or prevent any use or act that will interfere with congressional control over interstate commerce, or that will injuriously affect such commerce. Congress may likewise prevent the arteries of interstate commerce from being employed as conduits for articles hurtful to the public health, safety or morals, and may remove obstructions from the highways of commerce whether they be physical or economic, whether they may be sand bars, mobs or monopolies.

The power of Congress may be exercised by prohibition and by prescription.

Congress has prohibited combinations in restraint of interstate and foreign trade and has prohibited the carriage of diseased cattle, explosives and lottery tickets, and Congress has prescribed that certain safety appliances shall be used upon railroads doing an interstate business. The one class of laws is designed to keep the channels of commerce free and unpolluted; the other is designed to secure the safety of the employes and patrons of the carriers.

I cite these acts because their constitutionality has been sustained, because they obviously bear directly upon commerce and for that reason will serve to make clear the distinction between the well established rule to be deduced from the decided cases and the extension of the rule involved in certain pending legislative propositions of Federal control, to which I shall now direct your attention.

First, I shall restate the existing rule, as it has been judicially determined, in these words: Congress has the power to regulate interstate commerce, which includes the power to regulate the means or instrumentalities by which commerce is conducted.

The new proposition is this: Congress has the power to regulate commerce including its instrumentalities, *and likewise power* to regulate the persons by whom articles of commerce are produced in respect to matters disconnected with commerce.

This addition to the rule finds expression in the suggestion to prohibit the interstate transportation of innocuous articles lawfully made or produced in a State for reasons not affecting interstate commerce.

Let us now consider whether the regulation of the business of producing articles which may in whole or in part go into interstate commerce by denying to the owner the privileges of interstate commerce for reasons not affecting such commerce, is a regulation of commerce. In other words, is the mere production of goods commerce? If it is not, then can Congress regulate such production within a State under the constitutional power to regulate interstate commerce?

It would be difficult to overstate the importance and seriousness of the question thus presented, as upon its ultimate authoritative determination depends, it



may be, the autonomy of the States in substantially all matters of internal police.

It is scarcely worth while to discuss the proposition that production is not commerce.

Mr. Justice Lamar remarked in *Kidd vs. Pearson*, 128 U. S.:

"No distinction is more popular to the common mind, or more clearly expressed in economic and political literature, than that between manufacture and commerce. Manufacture is transformation—the fashioning of raw materials into a change of form for use. The functions of commerce are different. The buying and selling and the transportation incidental thereto constitute commerce; and the regulation of commerce in the constitutional sense embraces the regulation at least of such transportation. If it be held that the term includes the regulation of all such manufactures as are intended to be the subject of commercial transaction in the future, it is impossible to deny that it would also include all productive industries that contemplate the same thing. The result would be that Congress would be invested, to the exclusion of the States, with the power to regulate, not only manufactures, but also agriculture, horticulture, stock raising, domestic fisheries, mining—in short, every branch of human industry. For is there one of them that does not contemplate, more or less clearly, an interstate or foreign market? Does not the wheat grower of the Northwest or the cotton planter of the South, plant, cultivate, and harvest his crop with an eye on the prices at Liverpool, New York and Chicago? The power being vested in Congress and denied to the States, it would follow as an inevitable result that the duty would devolve on Congress to regulate all of these delicate, multiform and vital interests—interests which in their nature are and must be local in all the details of their successful management."

In *Veazie vs. Moore*, 14 How., 574, the Court said:

"The phrase 'to regulate commerce' can never be applied to transactions wholly internal, between citizens of the same community, or to a polity and laws whose ends and purposes and operations are restricted to the territory and soil and jurisdiction of such community. Nor can it be properly concluded, that, because the products of domestic enterprise in agriculture or manufactures, or in the arts, may ultimately become the subjects of foreign commerce, that the control of the means or the encouragements by which enterprise is fostered and protected, is legitimately within the import of the phrase *foreign commerce*, or fairly implied in any investiture of the power to regulate such commerce. A pretension as far reaching as this, would extend to contracts between citizen and citizen of the same State, would control the pursuits of the planter, the grazier, the manufacturer, the mechanic, the immense operations of the colliers and mines and furnaces of the country; for there is not one of these avocations, the results of which may not become the subjects of foreign commerce, and be borne either by turnpikes, canals, or railroads, from point to point within the several States, towards an ultimate destination, like the one above mentioned."

But it is claimed that as the power to regulate commerce is absolute, complete and mainly exclusive in Congress, the right to forbid the shipment in interstate trade of any kind of goods, for any reason, comes within that power. That is to say, under the guise of a commercial regulation, not necessary for the pro-

motion or protection of commerce, a producing regulation, which Congress could not have enacted, may be enforced; or, in other words, Congress can deny a person the right to engage in interstate commerce for doing that which Congress cannot prohibit him from doing. But, as we have seen, Congress cannot regulate production, and Chief Justice Marshall said in *McCulloch vs. Maryland*:

"Should Congress under the pretext of executing its powers pass laws for the accomplishment of objects not entrusted to the government, it would become the painful duty of this tribunal, should a case requiring such a decision come before it, to say that such an act was not the law of the land."

In my judgment, the power to regulate commerce between the States does not carry with it the power to prohibit commerce, unless the prohibition has for its purpose the facilitation, safety or protection of commercial intercourse, or the accomplishment of some other National purpose.

The power to regulate interstate commerce does not extend to the laying of an arbitrary embargo upon the lawfully produced, harmless products of a State, nor to the right to defeat the policy of a State as to its own internal affairs.

I concede that the National power to regulate interstate commerce carries with it the right to prohibit commerce in order to secure equality of commercial right, or to prevent restraint of or interference with commerce, but not to prohibit the shipment of the innocuous products of producers within a State who are pursuing a course sanctioned by the laws of the State and in no wise in itself interfering with interstate commerce. If prohibition of interstate trade is within the arbitrary power of Congress, it might be exercised so as to exclude the products of particular states or sections of the country. Congress then might prohibit the shipment of cotton or wheat to promote the interests of wool or corn.

There is no authority for any such proposition. The power of prohibition has never been sustained except as against articles noxious or dangerous in themselves. It is not possible to find even a suggestion that in respect to natural products which are prime necessities, Congress can prohibit commerce in them between the States in order to enforce its conception of what would be a wise police regulation of a State.

In the case of *Champion vs. Ames*, 188 U. S., 321, it was held that lottery tickets are subjects of traffic and their carriage by independent carriers from one State to another is interstate commerce, which Congress may prohibit under its power to regulate commerce among the several States, but this was specifically placed upon the character of the business. The court said, through Mr. Justice Harlan, "It is a kind of traffic which no one can be entitled to pursue as of right."

The Court also said:

"\* \* \* The power of Congress to regulate commerce among the States, although plenary, cannot be deemed arbitrary, since it is subject to such limitations or restrictions as are prescribed by the Constitution. This power, therefore, may not be exercised so as to infringe rights secured or protected by that instrument."

The right to regulate their domestic affairs is "secured and protected" to the States by the Tenth Amendment reserving to the States, respectively, or to



the people, the powers not delegated to the United States.

In *Gibbons vs. Ogden*, 9 Wheat., 111, the Court said, with regard to the right of intercourse between State and State, that the right was derived not from the Constitution, but from "those laws whose authority is acknowledged by civilized man throughout the world." Under the articles of Confederation the States might have interdicted interstate trade, yet when they surrendered the power to deal with commerce as between themselves to the general government it was undoubtedly in order to form a more perfect union by freeing such commerce from state discrimination, and not to transfer the power of restriction.

In *Dooly vs. United States*, 183 U. S., 171, the four dissenting Justices correctly said:

"But if that power of regulation is absolutely unrestricted as respects interstate commerce, then the very unity the Constitution was framed to secure can be set at naught by a legislative body created by that instrument."

The sum of the matter then is this: For the purpose of protecting commerce, Congress may close its channels to those who are injuriously affecting it, but for the purpose of enforcing a more enlightened policy in respect to matters not within the jurisdiction of Congress, it has no such power.

Congress may employ such means as it chooses to accomplish that which is within its power. But the end to be accomplished must be within the scope of its constitutional powers. The legislative discretion extends to the means and not to the ends to be accomplished by use of the means.

In a word, I do not take issue with the proposition that Congress may prohibit transportation, but I say the prohibition must have for its end the regulation of interstate commerce and not something *dchors* the Federal power.

In a recent case, the Supreme Court of the United States, through the Chief Justice, speaking of the power and sovereignty of a State, uses this language:

"It cannot be denied that the power of a State to protect the lives, health and property of its citizens, and to preserve good order and the public morals, 'the power to govern men and things within the limits of its domain,' is a power originally and always belonging to the States, not surrendered by them to the general government, nor directly restrained by the Constitution of the United States, and essentially exclusive."

That the Congress of the United States has no general legislative powers but only such as are granted to it by the Constitution is not an old fashioned and exploded notion.

It has been reaffirmed with emphasis by the Supreme Court within the last sixty days in a great opinion by Mr. Justice Brewer in the case of *Colorado vs. Kansas*.

The learned Justice said: "That this such a government (one of delegated powers) clearly appears from the Constitution, independently of the amendments, for otherwise there would be an instrument granting certain specified things made operative to grant other and distinct things. This natural construction of the original body of the Constitution is made absolutely certain by the Tenth Amendment. This Amendment, which was seemingly adopted with prescience of just such contention as the present, disclosed the widespread fear that the national government might, under the pres-

sure of a supposed general welfare, attempt to exercise powers which had not been granted. With equal determination the framers intended that no such assumption should ever find justification in the organic act, and that if in the future further powers seemed necessary they should be granted by the people in the manner they had provided for amending that act."

We cannot make progress in developing a body of substantive remedial law without an accurate appreciation of the restrictions upon both the State and Federal powers.

Like the Girondists in the French Revolution, American lawyers must submit to be condemned by the Bourbons as radicals if they stand for rational and constitutional legislation to meet new conditions and to correct the evils in the old conditions, and to be guillotined by the Reds as obstructionists if they fail to endorse the popular vagaries of the political ephemera who swarm about every great movement of reform, unappreciative of its origin, its tendency, and its purpose. Such is the fate of the profession that studies, loves and defends the institutions of civilized government and has ever been their most powerful constructive and conserving force.

The preservation of our Constitution is not committed to the Federal judiciary alone. It is the oath-bound obligation of every legislative, judicial and executive officer of the States and Nation, and is the highest duty of private citizenship. The Constitution is not to perish at the hands of the impassioned phrase-maker, and its defenders should not be deterred by mistaken or prejudiced clamor from performing their obligation to preserve and defend it.

The Constitution was founded upon the sacrifice of the lives and fortunes of our ancestors; it is the solemnly expressed will of the people; it has been preserved by the people through the most gigantic and tragic war of modern times, and it must endure as written and expounded until altered by the people by the means they have prescribed.

The power of the Federal government cannot be increased except by new grants of power through amendment of the Constitution. The efficiency, however, of the Federal government will progressively increase through the application of existing Federal power to the growing complexities of social and commercial conditions.

What changes in these conditions may be in store for us no man can foretell. What social readjustments may follow the application of the Federal commercial power to such changes is likewise unknown. The power is a fixed and definite factor; no one has pretended to define the boundaries of the subject upon which it operates. The distinguished present Solicitor-General of the United States, an honored son of Yale, Mr. Henry M. Hoyt, in a recent argument in the Supreme Court aptly said: "The word commerce is not restricted to trade and traffic, or navigation or transportation. No one can now say definitely what movements and interactions across state lines may not be embraced within its meaning."

Human government is a human necessity. It is all the stronger and more effective in times of dire need for not having been experimented with and its fiber strained in times of tranquillity.

The way to make real progress in needful legislation, and to permanently retain each advance, is to move wisely along legitimate lines. This is a land of



law as well as of liberty, and the liberty of the law-maker is subject to restraints as well as the liberty of the individual. Congress can only do what it is possible to do under the powers delegated to it by the body politic, which is the people. To do anything more would be futile usurpation; to do any less under those powers than the best interests of the people demand should be done would be neglect of duty.

It is beside the question to urge the desirability and popularity of measures if Congress has no power to enact them. Our heartiest sympathy may be enlisted in many movements and yet our judgment may be compelled to reject the means proposed for their accomplishment. I remember and am impressed by the words of President Roosevelt in his first message to Congress, that "The men who demand the impossible or the undesirable serve as the allies of the forces with which they are nominally at war, for they hamper those who would endeavor to find out in rational fashion what the wrongs really are and to what extent and in what manner it is practicable to apply remedies."

The last words of Washington and the first words of Lincoln contained a solemn admonition to us on the necessity of preserving our dual government intact.

In his farewell address to the American people, Washington said:

"If, in the opinion of the people, the distribution or

modification of the constitutional powers be in any particular wrong, let it be corrected by an amendment in the way which the Constitution designates. But let there be no change by usurpation; for, though this, in one instance, may be the instrument of good, it is the customary weapon by which free governments are destroyed. The precedent must always greatly overbalance in permanent evil any partial or transient benefit, which the use can at any time yield."

And in his first message to the American Congress, Lincoln said:

"To maintain inviolate the rights of the States to order and control under the Constitution their own affairs by their own judgment exclusively, is essential for the preservation of that balance of power on which our institutions rest."

And, finally, Chief Justice Marshall, the great expounder of the Constitution, said, in *Gibbons vs. Ogden*:

"The genius and character of the whole government seem to be, that its action is to be applied to all the external concerns of the nation, and to those internal concerns which affect the States generally; but not to those which are completely within a particular State, which do not affect other States, and with which it is not necessary to interfere, for the purpose of executing some of the general powers of the government."

---

## NATIONAL WHOLESALE GROCERS CONVENTION

---

### First Annual Convention of the National Wholesale Grocers' Association, Held at the Auditorium Hotel, Chicago, Ill., June 26, 27 and 28, 1907.

The convention was called to order by President Judson at 11:30 a. m., and opened with a prayer by Rev. John R. Crosser.

Franklin MacVeagh, of Franklin MacVeagh & Co., of Chicago, delivered the address of welcome in behalf of the city of Chicago.

He announced with emphasis that it was the intent of the National Wholesale Grocers' Association to stand for and promote no private interest that cannot and does not square itself with the rights and advantages of the people. He referred to the support given by their organization to the National Food Law. He said the association also welcomed state pure food laws and plead for uniformity in national and state regulations as to the labeling of food products.

President Judson in response spoke of the greatness of Chicago, its advantages and reputation as a business center and its hospitality as a convention city.

The association then proceeded to the business of the convention—roll call, reading of the constitution and by-laws and the minutes of the last meeting. In the afternoon the reports of the president, secretary, treasurer, executive committee, board of directors and counsel were read. The report of counsel, Mr. Breed, will be found in full in this issue. Reports of committees followed. F. W. Hannahs, chairman, reported for the committee on ways and means. T. H. Madden

of Reid, Murdock & Co., chairman, reported for the committee on uniform legislation or pure food committee. This report which deserves a careful perusal by every wholesale grocer and jobber will be found elsewhere in this issue. S. B. Steele of Steele-Weddes reported for the committee on procuring bill discounts.

Major Samuel Mahon reported on soap and free deals and John E. Mahlon on uniform contracts.

Mr. W. B. Timms, chairman, gave an interesting address on the "Pure Food Guarantee, and F. H. Madden read the report of the committee on membership.

Thursday morning the association devoted to a discussion of "Relations of Manufacturer, Jobber and Retailer," "Uniform Terms and Discounts," "Combination Buyers or Chain Stores and the Legitimate Jobber."

In the afternoon the report of the committee on resolutions was read and adopted. The only resolution pertaining to purity of food was as follows:

"Resolved, That this association is committed to a policy of urging the adoption by the several states of uniform food laws modeled after the national law.

"Resolved, That this convention reiterate their hearty support of the national authorities in the execution of the Pure Food Law officially known as the Food and Drugs Act, passed by Congress June 30,



1906, its provisions in all important points having received the endorsement of the National Wholesale Grocers' Association at its last convention, and that we, the most important and the largest distributors of food products in the world, earnestly and sincerely pledge ourselves to carry out the provisions of that law, and to support by information, and in every way in our power, the officers appointed by the government to execute its provisions."

On Friday the election of officers resulted as follows:

President—Wm. Judson, of the Judson Grocery Co., Grand Rapids, Mich.

First Vice-President—F. W. Hannahs, of Wilkinson, Gaddis & Co., Newark, N. J.

Second Vice-President—W. T. Chandler, of Franklin MacVeagh & Co., Chicago, Ill.

Third Vice-President—Theo. F. Whitmarsh, of Francis H. Leggett & Co., New York, N. Y.

Treasurer—Frank A. Potter, of J. G. Powers & Co., New York.

Secretary—Alfred H. Beckmann, New York, N. Y.

The place of holding the next meeting was left to the executive committee.

A special resolution introduced by A. S. Musselman of Grand Rapids was unanimously adopted, as follows:

This was the subject of extended remarks by Alfred H. Jones, Food Commissioner of Illinois. If the applause which greeted the remarks is any criterion of their value the speech of Commissioner Jones should be accessible to all the jobbing fraternity, and we therefore publish a stenographic report of this talk, which can be obtained in no other publication.

The association closed its convention in Chicago by a magnificent banquet, held in the Auditorium Hotel. On this occasion was emphasized the good will and harmony that had prevailed throughout the meeting. Franklin MacVeagh, toastmaster, told of the troubles of the jobber, one of the most aggravating of which seemed to be that they couldn't make money fast enough. He advised them to figure closer, especially to figure to the last penny on the cost of doing business. He affirmed that many small orders were filled at an actual loss. The salesmen on the road taking orders at 40 per cent of the profits were sure of their profit on a transaction but the much-abused jobber, after taking out the cost of filling the order, saw his 60 per cent profit sink into insignificance. The toastmaster's log cabin on Sheridan road was pointed out to the sight-seers as one of the attractions of the town. The wholesale grocers of other cities are no better situated financially than Mr. MacVeagh judging from the applause which greeted his remarks. In passing we may mention that Franklin MacVeagh makes an ideal toastmaster on an occasion of this kind. Mr. David R. Forgan and Mr. Levy Meyer also delivered interesting and instructive addresses. The last address on the program was an address by Mr. Breed, attorney for the association.

#### **REPORT OF THE PURE FOOD COMMITTEE OF THE NATIONAL WHOLESALE GROCERS' ASSOCIATION.**

Mr. President and Gentlemen of the Association:

At a special meeting of the Executive Committee, held in Chicago, on July 19, 1906, a Pure Food Committee was appointed, consisting of the following

members: Messrs. Theodore F. Whitmarsh, W. T. Chandler, Fred R. Drake, and Frank H. Madden. During the past year this committee has had rather a strenuous time, and while they have not realized to the fullest extent their highest hopes and ambitions, we hope their work has met with your approval, and that you are satisfied it has proven to be beneficial to the association.

The National Food Law was enacted June 30, 1906, and in September following your committee, together with officers and members of the association and counsel, participated in the public hearings held at New York City by the commission representing the cabinet officers, who were authorized by the law to prepare rules and regulations, and your committee believes that the information which they gave to this commission as to trade customs and conditions existing aided the commission very materially in arriving at conclusions, and influenced them in framing the rules and regulations from a broad business standpoint, rather than giving strict interpretations, as is customary in customs and similar statutes. A narrow construction of the law would have placed great hardships and needless expense on the commerce of the country.

The law did not provide sufficient time before taking effect for merchants to adjust themselves to all provisions of the act, and unless a broad and liberal policy was followed by the commission, it would have resulted, in a measure, in tying up the commerce of the country, and entailed great loss to manufacturers and distributors, by compelling the destruction of millions of labels, which for the most part were only technically in violation of the law. A ruling was obtained that labels not directly misrepresenting the products could be utilized until October 1, 1907. This concession alone saved a very large sum to all wholesale grocers throughout the United States, as well as enabling them to transact their business without serious interruption, as it would have been impossible for all to have obtained new labels by January 1, 1907, to say nothing of the expense of doing so.

Preparatory to attending these hearings in New York City, your committee, with counsel, was in session practically all of the time, night and day, for ten days in New York City, as it was necessary to go over every item of food or drink handled by the wholesale grocery trade, and determine what was a fair and reasonable construction of the National Food Law, in order that we might intelligently present our views to the commission who were empowered to make the rules and regulations for the interpretation of the National Food Law.

In presenting our views to this commission, we were extremely fortunate in being represented by such able counsel as Mr. William C. Breed, who had so thoroughly familiarized himself with the views of your committee that he was soon able to convince the commission that the wholesale grocery trade of the United States were heartily in favor of a pure food law, and that it was their intention to aid the federal authorities in every possible way to have the law enforced, and that all they asked was such a fair and reasonable construction of the law as to avoid any unnecessary interruptions of their business, and I think it is only fair to state that the influence of this association, through your committee, had much to do with the reasonable and eminently fair construc-



tion of the National Pure Food Law which we have enjoyed from the federal government.

Your committee desires to state that they have universally found the National Food Law officials courteous, fair and reasonable in all matters which your committee has had to take up with them, and invariably where your committee could demonstrate to the federal authorities that a ruling was unnecessarily severe, and would work a hardship to the commerce of the country, they have changed these rulings to meet trade conditions.

Your committee was chiefly instrumental in obtaining a ruling from the Secretary of Agriculture that food products, of which meat is only a small constituent part, such as pork and beans, plum pudding, calves' foot jelly, etc., be exempt from the Meat Inspection Law. They were also instrumental in obtaining a ruling from the federal authorities permitting the use of provisional meat stickers, thus aiding the trade in keeping business moving without violation of the law, which could not have been done had it been necessary to wait for a United States inspector to visit and check up the stock of each dealer.

Your committee has conferred together on numerous occasions in New York, Chicago, Buffalo, and Washington, and frequent bulletins, the result of their labors, have been communicated to the members from time to time, with all of which you are familiar. Your committee has taken steps to see that the national law is uniformly enforced, and has undertaken to assist in bringing about a uniformity of the state laws with each other and with the national law.

The counsel for the association was instructed to prepare a model state law that would in effect be uniform with the national law, and this has been circulated through the secretary's office to the legislature of all states having legislative sessions during the past year. There have been legislative sessions in about three-fourths of the states, and there has been such a flood of food legislation in the various states that it has been almost an impossibility to keep in touch with all of them, but we feel that we have succeeded in a great many instances in having laws enacted in the states that will substantially conform to the national law.

It would weary you with detail to go into the various minor discrepancies that exist between the state and national laws, but with one or two notable exceptions, even though the state laws are not entirely harmonious with the national law, the state officials have signified their intention to recognize goods as legal when they conform to the requirements of the national law.

Delaware has passed a pure food law conforming to the national law. The state of Maryland has no food law, but is expected to take action on this important subject next winter. The states of Kansas, Missouri, Illinois and Indiana have either passed new food laws or revised those on their books so that for all practical purposes they are identical with the national law. Nebraska has enacted a new food law, and as to defining what constitutes adulteration and misbranding, it is almost identical with the national law, but they have a new weight provision inserted in their act which may cause considerable trouble and annoyance to dealers. It is believed not to be constitutional or to be enforceable, for the reason that it discriminates. It omits canned goods from the net weight provision,

and also permits retail dealers to put up goods in packages and sell them without having the net weight shown on the package.

The state of Iowa has an effective food law. Its main provisions as to defining what is adulteration and misbranding are identical with the national food law requirements, but they have in addition thereto a requirement that in certain classes of foods the names of the ingredients and exact proportions thereof shall be shown.

The Minnesota law varies somewhat from the national law, but in the main the commissioner announces that goods labeled in conformity with the national law will be permitted. There are, however, certain exceptions to this. Wyoming has a food law modeled on the lines of the national law, but has a provision requiring percentages of ingredients in certain instances. The commissioner, however, has announced that with very few exceptions, where he thinks the law is mandatory as to showing percentages, he will accept goods labeled in conformity with the national law. Montana has a new food law, which substantially conforms to the national law.

The commissioner of Wisconsin has introduced a large number of bills in the Wisconsin legislature for changes in their law, many of which are antagonistic to uniformity. A number of these have been abandoned by him after conference, but when the legislature adjourns there will doubtless be some provisions in the Wisconsin law that are not in conformity with the national law.

The revised Illinois law is to all practical intents a copy of the national law. A food standards commission is provided for, samples taken by inspectors are definitely described, so that in the event of a contest the dealer is in a position to present his evidence the same as the prosecution. The Indiana law, and its enforcement, your committee understands will be substantially in uniformity with the national law. Both Colorado and Texas have enacted new food laws on substantially the lines of the national law.

This, gentlemen, is the report of your committee as to the past year, and the recommendations of your committee for future action are as follows:

First, that steps be immediately taken to secure a further extension of time from the federal authorities for the use of such labels as are technically in violation of the law, but which are not fraudulent or misrepresent the quality of the foods, from October 1, 1907, to October 1, 1908. Second, that a strong committee be appointed by this association to use their best efforts to secure not only uniform legislation in all of the states, but uniform rulings by the commissioners of all of the states. Your committee considers this the most important work for your association at the present time.

We would recommend that a liberal appropriation be made by this association for the use of this committee to defray their necessary expenses, as they will have to attend the legislatures of various states in order to accomplish the work contemplated. This committee should also be empowered to meet in conference, and to act with the representatives of other associations who are also endeavoring to secure uniform food laws and uniform rulings.

Your committee would also recommend that where it appears that the food laws of any state contain a section which is obnoxious, and needlessly interferes



with commerce, and that by the advice of our counsel, is believed to be unconstitutional, and cannot be enforced, your committee would recommend that where such a section of such a law is undertaken to be enforced, that this association should instruct their counsel to institute proceedings to test the legality of same.

Your committee would also recommend that where the interpretation of a state law by any state food commissioner is believed by our counsel to be illegal, in case such a ruling is undertaken to be enforced by the state commissioner, the association should cause our counsel to institute proceedings to test this legality.

Mr. Drake, of our committee, has performed most excellent service for this association by his untiring efforts, through his state association, in securing a revised food law in the state of Pennsylvania that conforms with the national law. He is also entitled to special credit for his services in connection with our vice-president, Mr. Hannahs, in securing the passage of a pure food law in the state of New Jersey, which corresponds to the national law. Mr. Drake speaks in glowing terms of the assistance rendered in securing uniform legislation, of Mr. Robert C. Bursk and Mr. A. M. Graves, of the Pennsylvania, New Jersey and Delaware Wholesale Grocers' Association, and also Mr. D. C. Shaw, of Pittsburg, one of the directors of our association.

Mr. Theodore F. Whitmarsh also deserves special mention for the valuable services that he has rendered this association by his untiring efforts on this committee, as well as his valuable counsel and advice.

Mr. W. T. Chandler has also performed most excellent service on this committee, and has also devoted a great deal of his time in endeavoring to secure uniform legislation, and he is to be especially commended for his valuable services, in connection with Mr. J. D. Miller of Sprague, Warner & Company, and Mr. C. E. M. Newton of Reid, Murdoch & Company, in securing the passage of a revised food law for the state of Illinois that practically conforms to the national law. Your committee is also greatly indebted to the Illinois Wholesale Grocers' Association for their assistance, and particularly to Mr. D. H. Bothard of the Executive Committee, Mr. Howard Humphreys of Bloomington, Illinois, and Mr. C. S. Jones, secretary of the Illinois Wholesale Grocers' Association, for their assistance in passing the new Illinois Pure Food Law.

Our counsel, Mr. William C. Breed, of Breed, Abbott & Morgan, has rendered your committee and this association valuable service, and through his constant study and absorption of the technical knowledge of food products and the trade usages and necessities of the manufacturers, wholesalers and retailers, has undoubtedly become the highest authority, from a legal standpoint, on food laws in this country.

In conclusion, your committee desires to state they have been very much gratified to find that in all of their work there has not been one single instance where any member of this association has in any way either expressed, implied or shown a disposition to do other than to support and conform to the National Food Law in every respect, and your committee is further gratified to state that every member of this association with whom they have come in contact in the discharge of their duties has treated them most cordially and courteously, and given them every aid

within their power. This is especially gratifying when we see in the newspapers occasional articles that would indicate that the wholesale grocers of the country were opposed to pure food laws, while as a matter of fact, no more cordial support was given to Congress to aid in securing the passage of the National Pure Food Law than that of the wholesale grocers.

Practically the first official act of this association, after it was organized at Buffalo, N. Y., was to send a telegram to Speaker Cannon of the House of Representatives, urging that the Pure Food Bill be taken from the committee and placed upon its passage. This telegram stated the vast interests represented by the wholesale grocers of the United States, giving approximately the capital involved in their business, and the volume of business done annually, it was signed by every officer of this association, and as within a very short time thereafter this bill was taken from the committee, we have reason to believe that this action on the part of our association was not without its effect.

Your committee would also like to urge upon every member of the association the vital importance of his personal efforts with the state officials and representatives of his state in explaining to them the necessity, from a commercial standpoint, of having uniform state laws and uniform rulings. It is the duty of every good citizen to stamp out any tendency for his state to undertake to legislate, or to have any laws of his state construed as antagonistic to that of any other state, as every merchant in this country should have absolute freedom to transact business in any or all of the states upon equal terms with the merchants within any state.

Your committee also desires to thank the officers of this association for their courtesy and able assistance in the discharge of their duties.

FRANK H. MADDEN, Chairman.  
THEODORE F. WHITMARSH.  
W. T. CHANDLER.  
FRED R. DRAKE.

#### **ADDRESS AND REPORT OF WILLIAM C. BREED GENERAL COUNSEL OF THE NATIONAL WHOLESALE GROCERS ASSOCIATION.**

To the President and Members of the National Wholesale Grocers' Association.

Gentlemen: I have been requested by your Secretary to submit a report as counsel for the association. I confess it has given me some concern to know just what form of report is to be expected from an attorney. The custom of the legal fraternity is, as you know, to allow their deeds to speak for themselves.

The Food and Drugs Act, or what is popularly known as the National Food Law, was passed by Congress and became a law June 30, 1906, effective January 1, 1907.

Contrary to the popular belief this law was welcomed by the food producers and distributors of the country, since it was hoped that such a law would afford some relief from the intolerable conditions existing under conflicting State laws and State decisions.

Especially was the passage of the National Food



Law publicly championed by the National Wholesale Grocers' Association at its last annual convention.

The National law as passed was, however, so general in its terms and definitions that it afforded little help to the manufacturer or distributor as to the practical question of how to pack and label his goods.

It is a well-established maxim that ignorance of the law is no excuse for its violation. *Every citizen is presumed to know the law*; but when a statute, couched in general terms, prohibits the use of all harmful substances, and scientists cannot agree what are harmful substances, *how can the business man be presumed to know the law?*

Moreover, how can he stop the daily progress of his business, manufacturing, buying, selling and supplying the public demand for the necessities of life long enough to allow scientists or lawyers to thresh out their theories and determine whether a certain substance, not specified in the law, long used by the trade, and regarded as a necessity in food products, is or is not harmful?

Recognizing these conditions, Congress empowered the heads of the three important branches of our Government, the Department of Agriculture, Department of the Treasury and the Department of Commerce and Labor, to make rules and regulations to govern the administration of this law.

These officials in turn publicly invited all parties affected by the law to appear before their representatives in the City of New York during the week of September 17 to 23, 1906, to explain their views.

Prior to that time your association employed counsel to make a study of the law and of the trade conditions affected thereby, with the object of appearing at these hearings in behalf of the members of this association.

In preparing for this work the greatest credit is due to your officers, and especially to the Pure Food Committee, for the time, thought and energy which they devoted to this subject.

For nearly ten days prior to these hearings this committee, the officers of the association, numerous loyal members and counsel were in almost continuous session.

It was at these conferences that the two great Food Law questions, What is a harmful substance? and, What is a harmful label? received the careful and analytical consideration of some of the largest food producers and distributors of the country for perhaps the first time.

It was also as a result of these conferences that the policy of this association on the Food Law question was settled to its lasting credit.

This policy is, *Co-operation with the Government to secure reasonable and just interpretations of the law, not revolutionary to the trade, and which stand for pure food, truthfully labeled.*

A serious study of the Act and of the decisions under similar statutes had made clear that the following principles of interpretation should be regarded:

That a constitutional enforcement of the Food Law would not permit of any interference with the free passage in Inter-State Commerce of food products *prepared or packed in good faith prior to the date when the Act took effect; or prior to the date of any rule or decision which the Government might issue interpreting the Act.*

That if the Government followed the practice ob-

served in enforcing revenue and other general statutes, and if it intended to be fair to the business and trade interests of the country, *it must make known by published rule or decision its interpretation of the law on all points not clearly expressed therein.*

That at the same time with the *announcement of any rule or decision a reasonable time* should be allowed before such rule or decision became operative.

That (*what is a reasonable time*) depends upon the previous trade use of the substance intended to be prohibited or declared harmful; as, for example, if it was intended to declare the presence of sulphurous acid in wines or whiskies as harmful and to prohibit its use, it would be necessary to allow a period of at least *four years* in order that the stock on hand or in process might mature and be disposed of, but in nearly all cases justice would be done by allowing a period of *one year*, that is, from one packing season to the next in order that the article packed, purchased or contracted for prior to the rule might not be excluded from the market.

It was also clear that the Government, having passed this law, *must enforce it uniformly and broadly throughout the United States.* There must be no *victims of the law.* Every producer or dealer is entitled to know that he is competing on an equal basis with every other producer or dealer in the same line. Both must obey the law or suffer the penalty.

The application of these principles of interpretation to any disputed subject arising under the Food law, such as the use of colors, preservatives or other substances, relieves the administration of the Act from all injustice or injury to general business interests.

Thanks to the painstaking and arduous work of the members of the Food Commission, Dr. H. W. Wiley, James W. Gerry and S. N. D. North, who prepared the rules and regulations, and to the Department heads who adopted them, the principles which we here outline and have always contended for have been largely followed.

As a result of the hearing before this Food Commission the trade procured an extension until October 1, 1907, to dispose of and use labels on hand which did not misrepresent the contents of the package. It is to be hoped that a further extension will be granted after October 1st, 1907, as was allowed under the Meat Law, since there are large quantities of labels in the hands of the trade to-day left over from last summer's packing season which only violate the regulations in some technical detail and do not misrepresent the product. The Government should recognize that it has been impossible to use these labels until the packing season of this summer, and equity would seem to demand that a further extension should be granted.

One other important result of the hearings before this Food Commission was the issuance of that regulation which left open for further scientific investigation by the Secretary of Agriculture and his able assistants the determination of the wholesomeness of colors, preservatives and other substances which had been customarily added to food products, thereby preventing any unscientific and hasty decision of these most vital questions.

The Secretary of Agriculture has for many months devoted a vast amount of time in helping the trade of the country to adjust itself to the law. In establishing the Board of Food and Drug Inspection, com-



posed of Dr. W. H. Wiley, Hon. George B. McCabe and George L. Dunlop, he has adopted a method of administration advised by this association which insures consideration and fair treatment toward all business interests affected by the law.

This leads us to one suggestion: If those parties who *think themselves the opponents of the law*, and who have been busying themselves in trying out its constitutionality in their private offices, would meet the Government half way and present their objections, it might be found that there was no real cause for their opposition. Half of the violent interpretations of the Food Law attributed to the Department of Agriculture are mere rumors, and if they develop into decisions the manufacturer or dealer may find himself at fault for not presenting to the Government his grievance.

The policy of this association has always been to anticipate the action of the Government by early presentation of the facts on our side of a disputed question, and to ask for a rule or decision fair to all parties. Work of this character counts for much. An ounce of prevention is worth thousands of pounds of cure to a business man. A reasonable rule or decision issued by the Government after clear and full presentation of the facts is better than a thousand lawsuits to upset an unfortunate rule or decision made under other circumstances.

If the Government should make a rule in connection with the use of benzoate of soda, as I believe it will shortly, allowing one or two years for the manufacturer or dealer to devise some new processes of preserving food products acknowledged to be harmless, would the dealer seriously object? Time would have proven whether benzoate of soda be necessary or not.

If the Government should make a rule, as I believe it will, allowing the process of sulphur bleaching in dried fruits, or the use of sulphurous acid in connection with wines, for a period of years until processes can be experimented with, the question of the necessity for the use of sulphur in food products would have been demonstrated. Would anyone object to such a rule?

There are, however, many questions about which irreconcilable differences between the Government and the manufacturer or dealer exist. These should be brought before the courts for adjudication as soon as possible through *test cases*. Such a course is far better for all concerned than a policy of quiet evasion of the law, relying upon a chance of escaping penalties.

In connection with work of this character the association can be of great benefit to its members during the coming year.

The question as to the validity of the so-called *Government Standards* is a serious one. Up to date the Government has not adopted these standards by any definite rule or regulation, but the Department of Agriculture will undoubtedly follow them in determining a violation of the Food Law.

The power of Congress or Legislature to fix *reasonable standards* has been definitely sustained. There is, however, grave doubt as to the power of the Government to enforce the existing standards *as a part of the present Food Law*, which makes no provisions for standards, and which, taken by itself, requires the broadest judicial construction of the Federal Consti-

tution in order to stand the test of constitutionality. Would it not be well for the Government to revise some of these standards to meet the demands of the trade and thereby quiet the opposition to their enforcement?

During the past year your counsel has attended various meetings of your Executive Committee, Pure Food Committee, Uniform Food Law Committee, and has been in frequent consultation with the officers of the association. He has also been called upon to render opinions on almost every conceivable phase of the National Food Law, the National Meat Inspection Law, Railroad Laws, Internal Revenue Laws, State laws, Special Federal laws, and the judicial and executive decisions thereon. More than five hundred of such written opinion have been delivered to the Secretary of the Association or to the members. It is not an exaggeration to add that thousands of labels submitted by members have been passed upon in Counsel's office.

Your Counsel has also drafted, from time to time as requested, circulars of advice upon various questions, legal and otherwise. Chief among these circulars were the two Bulletins, one issued on the Meat Inspection Law and the other on the Food Law and Regulations, giving a detailed interpretation and synopsis of each.

In order that these opinions as rendered might embody the latest official and unofficial decisions rendered by the Government, counsel has endeavored to keep constantly in communication with the Chiefs of the Bureau of Chemistry and of the Bureau of Animal Industry and the Solicitor of the Department of Agriculture, and he wishes to acknowledge, in behalf of the association, the uniform courtesy and consideration with which the requests of the association have been met at the hands of these Government officials.

Early in the year it became evident that the Association must take up the work of procuring the adoption, by the States, of Food laws similar to the National law.

It also became evident that the National Law, while not perfect in all of its provisions, was, nevertheless, destined to become the model Food Law, and decisions under it the basis for decisions under similar State laws. Under the inspiration of the Uniform Food Law Committee two meetings of the representatives of your association and of several other National associations were held, one in New York and the other in Chicago, with a view to joining forces in the work for Uniform Food Laws.

As a result of the first meeting your counsel prepared and drafted a proposed Uniform State Food Law, which was adopted, and through the untiring efforts of your able secretary, Mr. Beckman, the representatives of other associations and various state and local associations, this law was introduced in many State legislatures, and while adopted by few States in its entirety, has, nevertheless, been the basis for much of the State legislation recently enacted.

It may be surprising to you to learn that up to the date of this report *thirty states have passed new food laws*.

Realizing that members of the association were vitally interested in knowing what these new laws contained, your counsel has prepared an analysis of their various provisions, noting the points in which they agree with or differ from the national law. This



analysis is submitted with this report for such use as your association may see fit to make of it. It is hoped that it will be valuable to many members in working out the problems of labeling and grading their food products for the coming year.

The uniform food law work is one of the most valuable that this association can undertake during the next year. If such a law can be passed in the various states, decisions under the national law will be practically controlling throughout the country, and the work of this association in Washington will be directly felt in each state.

The National Wholesale Grocers' Association, its officers, counsel and committees, have spent much time and thought during the past year trying to procure *reasonable* and *just* interpretations of the national law. The regulations and decisions issued are, in the main, fair and equitable. We have differed with the authorities in Washington on many subjects, but such differences have been without friction and without any discredit by publicity or otherwise upon any individual member of the association. Throughout all this work the dignity of the association has been maintained until it is to-day recognized as the leading association standing for the principle of *pure food, truthfully labeled*, in both state and nation.

Respectfully submitted,

WILLIAM C. BREED,

New York, June 24, 1907.

Counsel.

**ADDRESS OF HON. A. H. JONES ILLINOIS  
STATE FOOD COMMISSIONER BEFORE  
THE NATIONAL WHOLESALE  
GROCERS ASSOCIATION.**

Mr. Chairman and Gentlemen of the National Grocers' Association in Convention Assembled:

I want to thank you for the honor you have conferred upon me in calling upon me to address you.

This is, I assure you, a pleasure that I had not thought of until a moment ago. These matters come up in the ordinary course of every business man's life, and looking over assemblages of men, like I see to-day, it is a great inspiration to us, to know that we have, over this broad land of ours, men who can pass resolutions to lift up the standard of "pure food"—as it is being done by your association.

When I had the pleasure and honor of being appointed state food commissioner eight years ago we did not have this co-operation all over the country.

To-day we see, through your organization and similar organizations, the tendency to co-operate towards uniformity of action, and that is doing more for the cause than all else that could be done.

I want to congratulate you upon your splendid resolutions that you passed this morning. I would liked very much to have been here yesterday, but I was kept away on account of other business, and I am very much pleased to be here this morning and meet with you and hear your resolutions read. I will say to you, gentlemen, that if I had the pleasure of drafting these resolutions I do not see how I could have improved upon them.

This work of co-operation that is going on, this work of holding up the standard, is what is doing so much good all over this country to-day.

The State Pure Food Department, of which I have the honor to be commissioner, was organized about

eight years ago. One of the first objects of that organization was to get the authorities of the different states in the Union together into one association so that they might co-operate; so that they might act together intelligently. We found that thirty-three states of the Union had a pure food law, and that no two of them were alike. There was no co-operation. Shortly, we got the commissioners of the different states together, and organized the National Association of State Food Commissioners and food officials and arranged for co-operation and uniformity of action, and to-day, if you will read the state food laws and the ruling made thereon in regard to uniformity of labels and standards you will find that the rulings on these laws, made by the commissioners, are substantially the same in all the states.

What we are trying to do, my friends, at these national meetings is the same as you are trying to do—to secure uniformity and harmony of action among your dealers, and I presume that what you want to know is, what these food commissioners are trying to do to uphold you and your cause and the cause of "pure food."

What we did first was to secure a national food law, the best law we could secure. We did it through your help. In fact, you took the lead, we might say, in the securing of this national food law.

Our new state food law is patterned after the national food law, and so far as I know—and I think I speak intelligently—our manufacturers and dealers are all for the law to-day, and want to see it enforced. They want to see state statutes passed that are along the lines of the national law, that are uniform with it.

Our last legislature passed a law that embodied all the best features of the national law, so that to-day Illinois has a state food law that is modeled after the national law, and we are trying to enforce it. Indiana and the other states are falling in line, and it will be but a short time until every state in the Union will have a state food law modeled along the lines of the national food law. When that can be done you will not be hampered, as you have been in the past, by having to keep a set of labels for every state in the Union, but then one set of labels, standards and rulings will do for every state in the Union. (Applause.)

The use of food products is the same, and they act upon the human family substantially the same in California as in Maine. There is no reason why all these rulings might not be substantially the same.

We have in the state food law many provisions that have never before been enacted into any law, and I think as far as the wholesale as well as the retail grocers of the state are concerned, it will be more pleasant doing business in Illinois in the future than it has been in the past.

Heretofore, in Illinois, when a dealer had his goods, not prepared and labeled in conformity with the law, or goods coming over the border lines of the state, or from a manufacturer within the state, and it was found upon analysis that the product was not in conformity with our law, all we could do was to bring a prosecution against the retail dealer in whose possession we found the goods.

To-day, under our new law, we will send him a notice that there will be a hearing, and he will be in-



vited to appear, and if he has a reasonable excuse, and can produce a "guaranty" from the wholesale dealer as provided by law, or if he has a reasonable defense why he has these goods for sale, he will not be prosecuted for it. (Applause.)

I want to say to you, my fellow citizens, that during the past eight years we have not prosecuted anyone intentionally without cause, but in perhaps 25 per cent of the cases, which were prosecuted, there would not have been a prosecution if we had had a statute of this kind on the books of the state, where the accused could have had a hearing. (Applause.)

The highest type of men we have in our country are the wholesale and retail grocers. When we think of it, and look up and down this state and see its 16,000 retail grocers, and the different places where their goods are sold, look over them, and you will find they are a class of people equal to the members of the legislature, congressmen, or those in any of the professional walks of life. They are the kind of men that are in a business where they try to do the "square thing."

The law, in the past, has not been in their favor or in favor of fair dealing in many respects. It is now, and I think it will be more so in the future, that a wholesale and retail grocer can have a fair show under this new law. He will, in the state of Illinois, as long as I am commissioner, for if he can give a reason why he has these goods, why he purchased them honestly and sold them honestly and in good faith, although the goods may not come up to the standard fixed by the law, he will never be prosecuted under it. (Applause.)

The "guaranty clause" is another provision that is novel, and I think will do a great deal of good in the interest of "pure food" as well as fair dealing. It is here the retail grocer will have a chance now for the first time to obtain his "guaranty" as provided by law.

The law goes into effect July 1st next and if the retailer gets his goods in good faith he will be protected, and he should be, if he gets them in good faith, and we will go after the manufacturer or packer of the goods. That will be the effect in the future.

We have studied this new food law as revised by the last General Assembly. We prepared the original law. The state food law is a good law, and the national food law is a good law, and if it is enforced, as it will be, and if it has the backing of your association, as I am assured by your resolutions, it will have, and similar food organizations, there is no doubt that this law will prove a success, and in the future you will see the cause of "pure food" prosper, as it has never prospered before in this country.

There is no reason why, in this United States of America, we should not have the best food of any country on the face of the earth. We have the virgin soil, and everything tends to produce the best of foods. There is no reason why we cannot go into the markets of the world and meet the competition of the old world, and overcome it, when we take all the circumstances into consideration. Take the people in the business, the manufacturers and packers of food; go to the broad prairies of Illinois and see what we are doing in Illinois. The other states are doing the same. The first thing I know I will be making a speech. (Laughter and cries of "Go on," "Speech.") You don't know and you have no idea of the good work you are doing.

Now when we first met—the state food officials in

our national association—only a few of the state food officials of the state food departments met together. It was hard to secure a full attendance; we were discouraged. We went out to Washington and saw Dr. H. W. Wiley, chief chemist of the United States Department of Agriculture, and conferred with him in regard to a national food law.

I want to give you a few of our troubles as food commissioners. When I was appointed, a good many thought it was nothing but a political job, and these inspectors were political inspectors. I will appeal to the grocers of Illinois, if there has ever been any politics in the State Food Commission. We have tried to manage it honestly and squarely, and as long as I am commissioner it will be managed that way, for the best interests of the food industries of Illinois.

As I was about to say, after I was first appointed, we had these national meetings. We only had a few commissioners. It looked discouraging, but finally at St. Louis we got them all together. We have had a good many difficulties.

Now, I am getting a little in earnest about this. We are going to raise the standard of "pure food." The cause is marching on. I remember eight years ago we could hardly get a "food journal" or "daily paper" to say anything about one of these meetings.

To-day, let the national association, or the state association, or a dairy association, or the "pure food organization" come together and the press will take hold of it. It is interested. Why? Because every man, woman and child is interested. They all have to have "food" three times a day. People begin to see that if you are going to have a healthy race, one that will compete with the people of the old world, that will come up to their standard, they must have a healthy ration. That is all we are asking, and that is what we are trying to do. We are getting along nicely.

Now, if anyone is discouraged, I ask you not to be, for I can see in the past eight years how this cause has grown. I can see that the manufacturers are trying to make their goods better. I can see the retail dealer looking around for the best brands of goods to sell. Let us go on with the good work. I want to do all I can to help your association along the right line. You want to help the "pure food commissioner" along. If he does not do the right thing it is a misjudgment of the head and not of the heart. We want to do that.

Now, I want to thank you again for this opportunity of saying a word in favor of the cause of "pure food" in Illinois and what the commissioner is doing. In a short time we will have our rulings made so you will be better able to understand it and be better enlightened after the law goes into effect on the first day of July next. I thank you. (Great applause.)

#### ICE CREAM BELOW STANDARD

City Chemist Clarke of Indianapolis has been examining ice cream sold in drug stores. He finds it of very poor quality, some of it running as low as 2 per cent butter fat. The Indiana standard is 8 per cent. Realizing that the vendors were innocent of intent to defraud, samples were secured from the manufacturers as the goods were being delivered to the retail dealer and suits will be instituted and pushed to a conclusion.



# THE AMERICAN FOOD JOURNAL



Published Monthly at 334 Dearborn Street, Chicago

By H. B. MEYERS & CO.

Telephone Harrison 2473

Subscription, \$1.00 Per Year Foreign Subscription, \$1.50

Address all communications and remittances and make drafts, checks and money orders payable to THE AMERICAN FOOD JOURNAL, 334 Dearborn Street, Chicago.

All reading and advertising matter to appear in THE AMERICAN FOOD JOURNAL must be received at this office on or before the 15th of the month.

COPYRIGHT 1907 BY H. B. MEYERS.

## SENATOR KNOX ON STATES RIGHTS.

The address of Senator Philander C. Knox before the graduating classes of Yale University, June 24, 1907, as published in this issue of THE AMERICAN FOOD JOURNAL, is a remarkably clear and able exposition of the desirability of maintaining in its full integrity our dual system of government established by our forefathers. It was a sane, thoughtful, logical and patriotic speech. Not that the theme is new. It has been assailed by the friends and the enemies of our government. It has been used as an argument for and against national union. In its broadest sense, however, it has been supported by our statesmen and orators, North and South, from the time of Washington to McKinley. By such staunch Republicans as Abraham Lincoln to the latest idol of democracy, William Jennings Bryan. In his famous speech in reply to Haynes Daniel Webster plead for "Liberty and Union." The state motto of Illinois aptly phrases the ideal of our government, "State sovereignty, national union."

That there has been a strong tendency towards centralization of power in our national government under the reign of Theodore the First, as our Canadian brothers say, is generally recognized and generally deplored. At first the novelty of the movement and the fact that it was generally exercised in good and worthy objects gained it popular approval. The wisest statesmen of our time, such as Senators Hoar, Spooner and others, indeed raised their voices in protest and announced that in due time we would regret the departure from the ideals under which our government was founded. The speech of Senator Knox is not the beginning of the reaction. It only shows to what extent it has grown. The constitution was conceived in wisdom and preserved with blood. If it does not suit the people of the present age it should be amended in the way provided, but never disregarded or misinterpreted either in a good cause or a bad one, to suit one man or a million.

For fear it might get out of the hands of the government better call the next convention on the capitol steps.

## OFF TO THE ELEVENTH ANNUAL CONVENTION OF THE ASSOCIATION OF STATE AND NATIONAL FOOD AND DAIRY DEPARTMENTS.

On Sunday evening, July 14, at 10 p. m., a special car attached to a Pennsylvania Railroad train in charge of H. E. Schucknecht, Assistant Food Commissioner of Illinois and Chairman of the Transportation Committee of the Association of State and National Food and Dairy Departments, started for the annual convention of the Association of State and National Food and Dairy Departments at Norfolk, Va., via the Pennsylvania lines to Columbus, Ohio.

The party consisted of A. H. Jones and wife, H. E. Schucknecht, Dr. T. J. Bryan, A. L. Nehls, Miss Laura Collins and Miss S. Collins of the Illinois Food Commission; R. M. Washburn, Missouri Dairy and Food Commissioner; M. H. Lamb, Deputy Dairy and Food Commissioner, and the Chemist of the Missouri Commission; Prof. E. F. Ladd, North Dakota Food Commissioner, and family; B. D. G. Bishop, Colorado Dairy and Food Commissioner; A. H. Wheaton, South Dakota Dairy and Food Commissioner, and Prof. J. H. Shepard, Chemist of the South Dakota Commission; E. W. Burke, Wyoming Dairy and Food Commissioner; Prof. Henry G. Knight, Chemist of the Wyoming Commission; Prof. A. L. Winton, in charge of Government Laboratory at Chicago; T. E. Lannen, representing the National Confectioners' Association; C. E. M. Newton, representing Reid, Murdoch & Co., of Chicago. The party will be joined at Columbus by Commissioner Renick W. Dunlap and wife and party of Ohio friends, and proceed via the Norfolk & Western Railway to Norfolk, arriving on the morning of the 16th.

## IOWA COMMISSION ENJOINED.

On July 9th the Standard Stock Food Company of Omaha, through its attorneys, Hagen & Powell, of Des Moines, served papers for an injunction against Iowa State Drug and Food Commissioner H. R. Wright from enforcing certain provisions of the Iowa food laws, specifically those pertaining to stock food and proprietary medicines. The petition filed asserts that that portion of the law is unconstitutional in that it compels manufacturers of stock food to disclose trade secrets and also because of the fact that it discriminates against certain business interests and is therefore class legislation. The case will come up August 3th. It is said that Reid, Murdoch & Co. and Sprague, Warner & Co., of Chicago, are also preparing to secure an injunction against Commissioner Wright from enforcing the food provisions of the act.

## JONES REAPPOINTED.

Commissioner A. H. Jones has been reappointed food commissioner by Gov. Deneen under the new pure food law passed by the last legislature. Mr. Jones has held this office continuously since the commission was established eight years ago, and is, with the exception of Dairy Commissioner Noble of Connecticut and possibly Bailey of Oregon, the oldest in point of service of any food commissioner in the United States.



**NEW ILLINOIS FOOD LAW IN FORCE—NO. YES.**

The law-making season is almost over. In most states the members of the legislature, after stopping the clock at midnight and throwing ink stands and waste baskets at each other in the artificially prolonged day, have packed their grips and departed for the joys of home. The sessions have been particularly fruitful in food laws. Some of the laws, like that of Indiana, became operative when signed by the Governor. Others, like the new New Jersey statute, place the date of actual enforcement as far in the future as July 1, 1908. Most of the food laws enacted by the late legislatures, however, like that of Illinois, become in full force and effect the first of the current month. Illinois, it is true, has not been without a food law since 1899. However, the new law is quite different from the old law. New classes of food are included, new standards are fixed by law. A standard commission is provided for and a guarantee clause protects the presumably innocent retail dealer.

Although this law is theoretically operative this month, we know of no steps, aside from the publication and distribution of copies of the law, to provide for its enforcement. No rulings under the law have been announced, no forms of guarantee suggested, no regulations formulated. Delays and uncertainty in the execution of the law are disastrous. Many firms in Illinois are refusing to sell certain classes of goods, owing to lack of information as to how they should be labeled under the new law. Perhaps the commissioner is waiting for the Governor to appoint the Standard Commission of three members. It is understood that Commissioner Jones will represent the Food Commission on the committee. The Standard Commission, as well as the additional members of the staff, should be appointed as soon as capable men can be found for the positions.

**DETROIT INVADED.**

On June 28th twenty United States food inspectors under the leadership of Dr. F. L. Kebler, arrived at Detroit and inspected the pickling works of Williams Bros. on Grand River avenue. Late in the day the entire troupe issued from the building. It is difficult to see how each inspector could have secured an adequate supply of fresh air. Papers report them to be lean, hungry-looking men, with keen, gloomy eyes. Certainly, if there is any virtue in numbers the Williams factory should have had a most thorough and complete inspection. Mr. Williams has become quite prominent in the food movement through opposing radical action against the use of heretofore recognized preservatives for food products and in condemning the sensational and exaggerated and often untruthful assertions by public officials to gain support for ultra food legislation and by insisting that the law and not the official should say what should constitute a criminal offense, which positions he asserted before congressional committees and as chairman of the pure food committee of the Manufacturers' Association.

It seems something in the nature of the government's officials trying to get even by sending a drove of inspectors to a small factory in a frontier city on their first official business, some coming from Washington, D. C., others from distant Washington state. Dr. Kebler explains it, however, by stating that the gathering at Detroit was in the nature of a rendez-

vous and that the inspection was a sort of school of instruction that all might pursue uniform methods of inspection as they took up their work individually or in pairs rather than in herds. This explanation seems plausible, yet it might seem that another factory might have been found where there would be less reason for suspecting that the government was using its machinery for revenge rather than for legitimate enforcement of law.

**THE NATIONAL PURE BEVERAGE EXPOSITION**

Surely pure beverages are as important as pure food or at least one is useless without the other. Such is the opinion of the management of the National Pure Beverage Exposition, which is to be held at the Coliseum, Chicago, December 10 to 21, 1907. The manufacturers of every sort of beverage and of the machinery and accessories used in their making will be represented in this show, which is the first of its kind to be held in the country, and is expected to create a furore in trade show circles. The beverage manufacturers have never before had an opportunity to unite in making a display and demonstration of their products and they are rallying to the standard of the Beverage Exposition with considerable interest and enthusiasm.

There are a number of objects which can be accomplished by the Pure Beverage Exposition and that it has a mission is beyond a doubt. It will give the manufacturers an opportunity to demonstrate their care in turning out their product, enable them to come into closer contact with the consumer, and should be an important factor in removing the stigma which, through the machinations of misguided agitators, rests in a certain sense upon the makers and sellers of beverages. Interesting exhibits are being planned and a Congress of Nations, showing the advance of the beverage from earliest times, is to be one of the big features.

A notable departure from Chicago Expositions of the past will be the absence of a public bar. There will be a private club room for exhibitors where they can entertain guests and prospective buyers, but no general bar privilege will be sold. The management believes that the show can be made more attractive in this manner, and that a bar is not necessary to draw crowds. This move on the part of the Beverage Exposition people is worthy of commendation.

The offices of the National Pure Beverage Exposition are located at 608, 167 Dearborn street, Chicago, and already the enterprise is firmly established, as enough space has been sold to guarantee a complete success.

**MONEY WELL SPENT.**

Sixty-seven thousand persons go every evening to dinners and suppers in New York City hotels and restaurants, and the amount spent annually exceeds a hundred million dollars.

**RESTAURANT WASTE.**

Bills of fare in fifty prominent hotels and restaurants in New York City give 387 different dishes, representing the cuisine of every country and nationality in the world. That which is left each night in the hotels and restaurants would be sufficient to feed three regiments of 800 men each for one week.



## COWS MUST PASS POST MORTEM EXAMINATIONS.

The packers and commission men came to an agreement in regard to the proposition of the packers to pay for live stock on post-mortem inspection. The rule is to apply only to cows and range cattle or canners, and thus will affect but a small proportion of stock reaching central markets. The stock exchange men claim a decided victory. It is a pity, from the standpoint of the public and the future of the live stock industry in this country, that the rule could not have been enforced on all cattle, but if cows only are bought on test it will help to free our dairy herds from tuberculosis, which will be a wonderful achievement both for the farmers and the human family.

The personnel of the committee participating in the conference was as follows: President Swift, of the National Live Stock Exchange, who lives in Kansas City; President Lennan, of the Kansas City Exchange; President J. H. Simcock, of the St. Louis Exchange; A. L. Keechler, of St. Louis, a vice-president of the National Exchange; President Dailey, of the St. Joseph Exchange; President J. H. Waite, of the Sioux City Exchange; President Holmes, of the Milwaukee Exchange, and President Ransom, of the Buffalo Exchange.

### NEW IOWA RULING.

Office of  
STATE FOOD AND DAIRY COMMISSIONER  
H. R. Wright, Commissioner  
W. E. Smith, Deputy.

Des Moines, Iowa, July 10, 1907.  
American Food Journal, Chicago, Ill.:

Gentlemen—On July 4 a statute of this state became effective, changing quite materially the provisions in regard to labeling certain compounds and imitations. This department will not interfere with goods in the hands of the *retailers* before July 4, provided the same are properly labeled in conformity to the old statute.

The statute also prohibits the sale of colored vinegar. The department will not interfere with the sale of colored vinegar in the hands of the *retailer* prior to July 4, provided the same is sold for what it is and is properly labeled in conformity to the original statute. It is expected that such stocks will be exhausted by the middle of September.

A similar policy will probably be pursued for a short time in regard to imitation and compound whiskeys and other intoxicants of which partial packages may be on hand.

Yours,

H. R. WRIGHT.

The Board of Health of Indianapolis have brought suit against R. W. Furnas for selling illegal ice cream. Mr. Furnas has brought suit in the Superior Court for \$25,000 against Fred. W. Clarke, City Chemist, because Clarke announced through the press that the Furnas company was manufacturing and selling ice cream which fell below the Board of Health standard in butter fat.

The entire Miller family in St. Paul were poisoned July 5 from eating canned salmon. All are expected to recover.

## HON. ALFRED H. JONES.

Alfred Hanby Jones, who has just been reappointed for the fourth time State Dairy and Food Commissioner of Illinois, was born near Flatrock, Crawford County, Illinois, July 4, 1850, of English parentage.



He attended Westfield College in Clark County, and completed the course of studies at National Normal University at Lebanon, Ohio. He studied law and was admitted to practice June 15, 1875. In 1876 he was elected State's Attorney of Crawford County, Illinois, and in 1886 was elected to the General Assembly of Illinois. In 1897 he was appointed by Governor Tanner President of the Board of Trustees to build the State Normal School at Charleston, and served until the organization of the State Food Commission, when he was appointed Commissioner and reappointed by Governor Yates in 1901. In 1899 he was elected President of the National Association of State Food Commissioners, was re-elected the following year, and has since been Chairman of the Executive Committee. Mr. Jones was for 15 years a member of the City Council and for 16 years member of the School Board at Robinson, Ill. He was a member but politic and has been able to afford the consumer of the Republican State Central Committee for eight years and has been Chairman of the Crawford County Republican Central Committee since 1876.

Mr. Jones is a member of the law firm of Callahan, Jones & Lowe and is also local attorney for the C., C. & St. L. Railroad Co. No one has taken a greater interest in the development of his home town than Commissioner Jones, and Robinson owes most of its fine city blocks to his enterprise.

As a food commissioner Mr. Jones has been firm but politic and has been able to afford the consumer a large measure of protection without antagonizing large local business interests. As a lawyer and politician he has also been the most potent factor in securing what is thought to be a model food law for Illinois.



**LABELING REGULATIONS CRITICIZED.**

(Portion of Report of Pure Food Committee of National Association of Manufacturers.)

Your committee, sometimes individually more than collectively, has taken part in the discussions and councils held to fix the rules and regulations for the enforcement of the national food law. It is the opinion of your committee that in the main such published regulations, so far as perfected, are ample fully to protect the consuming public against injury and to safeguard against fraudulent and deceitful adulteration.

From the standpoint of the manufacturer such regulations are clearly so exactly technical as to be absurd. We hold that a frank, comprehensive declaration upon labels attached to food products showing their true character, origin and condition carries every possible safety against fraud and deception, and that to attempt, as the federal authorities are doing, to regulate the precise order of words upon a label, is not only beyond their legal power, but totally without reason.

Your committee is advised that the powers of the law-making body go only so far as to require reasonable regulations to prohibit injury to the health of the consumers of foods, and to prevent fraud in the sale thereof. From such rights, let us say necessities, cannot arise the power to prescribe the size of type or restrict display upon a label, provided that no statement or design is deceitful or misleading.

Your committee regrets that the present inconsistency and lack of uniformity between national and individual state laws, as well as between state laws themselves, have produced a condition of never-ending conflict of authority, resulting in a great embarrassment and continued loss and unnecessary expense to the manufacturer and distributor of food products. When once a national law of even and just intent is upon the statute books, then all state statutes should be brought into conformity with it, and one broad rule of conduct then obtain in every locality of our country.

In conclusion your committee recommends to this association that in food matters—

First—Scientific questions be settled by the United States government employing, first and foremost, special authority.

Second—The improvement of the national food law more fully to embrace competent protection to the consumer in all food products equally.

Third—The operation of the national food and drugs act should be carefully noted and its existing defects remedied by additional legislation. When once this national law is upon a just and firm basis, all state legislation should be brought in harmony with it, in order that the interstate distribution of food products can be conducted upon a uniform basis.

Fourth—That all food laws, being criminal laws, should be written in the plainest possible language, susceptible of only one interpretation, and that within the comprehension, like the laws of Moses, of the average mind.

WALTER H. WILLIAMS,

WALTER M. LOWNY,

ROBERT A. BADGER,

Committee.

Fifty people were poisoned at a Sunday-school picnic at Buda, Ill., July 6, from eating tainted meat. Physicians say ptomaine.

**PENNSYLVANIA FOOD DEPARTMENT ISSUES FIRST RULES AND REGULATIONS.****Use of Benzoate of Soda Restricted.**

RULES AND REGULATIONS PREPARED BY THE DAIRY AND FOOD COMMISSIONER IN PURSUANCE OF SECTION 3 OF THE ACT OF JUNE 1, 1907.

**AS TO THE FOODS AND CONDIMENTS.**

Rule 1. The use of coal-tar dye or other foreign coloring matter in catsup or other condiments is regarded with disfavor, and catsup found to contain such coloring matter in connection with benzoate of soda will be regarded as adulterated and treated accordingly.

Rule 2. The use of boric acid, salicylic acid or sulphites in meats or other articles of food will be regarded as an adulteration and treated accordingly. Any poisonous or deleterious preservative or coloring matter applied externally which has been permitted to permeate or penetrate the meat or other food product, or any portion thereof, will be regarded as an adulteration.

Rule 3. Until otherwise ordered articles of food imported from foreign countries which have been found to be in compliance with the Federal Food and Drugs Act of June 30, 1906, will not be regarded as sold in violation of the laws of Pennsylvania.

Rule 4. Pepper and all other spices containing any added or foreign substance whatever will be regarded as adulterated.

Rule 5. Milk will be regarded as adulterated when any portion of the butter fat has been removed therefrom or when water has been added thereto.

Cream containing less than 16 per cent of butter fat will be regarded as adulterated.

Ice cream must be true to name and must not contain less than 12 per cent butter fat, together with sugar and pure fruit flavor. Eggs and a small amount of gelatine may be used.

**AS TO CONFECTIONERY.**

Rule 6. Mineral substances of all kinds are especially forbidden in confectionery, whether poisonous or not. Only harmless colors or flavors should be added to confectionery.

The term "narcotic drugs" includes all drugs mentioned in Section 8 of the Federal Food and Drugs Act of June 30, 1906, relating to foods, their derivatives and preparation, and all other drugs of a narcotic nature.

**AS TO MISBRANDING.**

Rule 7. The provisions of the Act of June 1, 1907, as to the misbranding of food, will be strictly observed and rigidly enforced.

The principal label on articles of food shall be in English, with type not smaller than 8-point (brevier) caps; provided, that in case the size of the package will not permit the use of 8-point cap type, the size of all the type may be reduced proportionately.

Descriptive matter upon the label shall be free from any statement, design or device regarding the article or the ingredients or substances contained therein, or quality thereof, or place of origin, which is false or misleading in any particular.

Jellies, fruit butters, fruit jams or other like products shall not be labeled with the name of any distinctive fruit, unless such fruit alone has been used in its preparation. Articles intended as substitutes for



pure fruit jellies, butters, jams and other like products shall be plainly marked as compounds, and the several ingredients shall be plainly stated thereon, and the name of no distinctive fruit shall be used upon the label thereof to indicate its flavor.

Prepared mustard shall bear upon the label thereof a distinct statement of all of the ingredients and the percentage of mustard contained therein.

Flavoring extract must be true to name. Imitation flavoring extracts shall not be designated by terms which indicate in any way by similarity of name that they were prepared from the natural fruit or from a standard flavor.

Flavoring extracts in the preparation of which any substances are employed for natural fruits or standard flavors shall not be labeled as if prepared from standard flavors or from the fruits themselves.

#### GUARANTEE.

The guarantee referred to in the new Pennsylvania Food Law, approved June 1, 1907, should in all cases be a written or printed invoice guarantee upon each bill of goods purchased, signed by the vendor, and substantially in the following language, to-wit:

I (or we), the vendor of the articles mentioned in the foregoing invoice, hereby guarantee and warrant the same to be in full conformity with the Federal Act of June 30, 1906, popularly known as the "Food and Drugs Act," and also further hereby guarantee and warrant the same to be in full conformity with the Act of the General Assembly of Pennsylvania, popularly known as "the new Pennsylvania Food Law," approved June 1, 1907, in that the said articles are not adulterated within the meaning of the aforesaid Act of Congress or the aforesaid Act of the General Assembly of Pennsylvania, and that the said articles are not misbranded within the meaning of either of the said acts.

#### SPECIAL NOTICE TO RETAIL DEALERS.

The new Pennsylvania Food Law, approved June 1, 1907, is intended to protect retail dealers in food products. In order to avail themselves of this protection it is important that every retail dealer shall secure from the manufacturer, wholesaler or jobber from whom he makes purchases, a signed guarantee of each invoice of goods. In order that the goods may be subsequently identified, it is important that the date of purchase be marked upon the goods secured under each invoice. Where the goods are contained in separate packages, this identification can readily be secured by the use of a rubber stamp giving the date of purchase. Unless the retail dealer is able to identify with absolute certainty the vendor from whom his goods were procured, the act will not protect him. This will require the greatest care, not only in marking the date of purchase, but in keeping the articles purchased from different manufacturers, wholesaler or jobbers, bearing the same brand, entirely apart from each other, so that at any time the identification of the vendor of each article can be clearly established. It is equally important that the retail dealer shall keep the articles purchased in precisely the same condition as when they are received. A failure to distinctly identify the vendor, or to clearly prove that articles purchased have been kept in the exact conditions as to quality as when purchased will deprive the retail dealer of any protection.

When an agent of the Dairy and Food Division calls upon a retail dealer, it is requested and confidently ex-

pected that courtesy will be exercised both by the dealer and the agent.

#### HON. JAMES FOUST.

James Foust was born in Hollidaysburg, March 14, 1862. The summers of his early life were spent on a farm and the winters in attending the public school at Hollidaysburg and later as a boatman on the Pennsylvania Canal. He then learned the trade of iron moulder and worked at his trade for the Pennsylvania Railroad Company at Altoona from 1885 until 1896. In November, 1895, he was elected by the Republican party of Blair county to the office of coroner, entering upon the duties of the office January 1, 1896. At the February elections of that year the Republicans were successful in electing their ticket in the city of Altoona, and Hon. H. C. Barr, mayor, appointed Mr. Foust to the position of chief of police. He entered upon the duties of this office in April, 1896, and served the full term of three years. For almost the entire year of 1896 he continued to hold the office of coroner until his successor was appointed and duly qualified.

As chief of police he gained for himself considerable distinction. A band of crooks that operated along the main line of the Pennsylvania railroad between Altoona and Philadelphia was by his skillful and energetic efforts completely broken up, and the leaders of the gang convicted and sent to the penitentiary. The records of Blair county show the apprehension and conviction of many notorious criminals, due to his vigilance and sagacity.

It is a remarkable fact that during his entire term as chief of police, only one defendant of the many indicted through the efforts of the city police force escaped conviction. This result was due to the care with which Chief Foust investigated the facts of a case before he commenced prosecution, and the intelligent and vigorous manner in which he prepared cases for trial afterwards.

In the spring of 1899 the Democrats elected their candidate for mayor and Mr. Foust retired from the position of chief of police. For a year following he engaged in the fire insurance and real estate business. In April, 1900, he was appointed an agent of the Dairy and Food Department, in which capacity he has served ever since. In the seven years that he has been in the Food Bureau, he has received several promotions, which were due entirely to his energy and skill in the preparation of cases. When first appointed his work was confined to Blair, Cambria, Clearfield, Bedford and Somerset counties. Shortly after Dr. Warren became dairy and food commissioner, Mr. Foust was placed in charge of all the work in western Pennsylvania, excepting Allegheny county, and later Allegheny county was placed under his supervision.

About a year ago, Dr. Warren promoted him to general agent, placing him in charge of the entire state outside of Philadelphia. In this capacity, his duties were to examine and prepare all cases for trial in the different counties throughout the state, as well as to arrange for attorneys and expert witnesses when necessary.

In addition to this all the agents were under his supervision; all complaints from different parts of the state were referred to him; under his directions investigations were made and a full and complete report



was made to the Dairy and Food Commissioner. The seven years' experience in all the details of the work of the Dairy and Food Division have certainly fitted him to assume the duties of the office of commissioner.

Mr. Foust has always been a Republican, became especially active in 1891 when Judge Dean was a candidate for a third term. This activity on the part of Mr. Foust made Judge Dean his warm personal and political friend, the friendship so formed growing stronger each year and only ending with the death of the judge in 1905.

After Judge Dean's elevation to the Supreme bench, Mr. Foust espoused the cause of Hon. Martin Bell, who was elected judge in 1893. In 1903 Mr. Foust was earnestly for Judge Bell for a second term.

Mr. Foust maintains a strong hold on his many friends, so much so that when it was rumored that there would be a change in the head of the Dairy and Food Division, Judge Bell at once arranged for a party of representative Republicans of this county to go to Harrisburg and see the governor in Mr. Foust's behalf.

In addition to the unanimous support of the Republicans, Mr. Foust was favored with the endorsement of many farmers and dairymen of this county, many endorsements throughout the state from politicians, farmers, merchants, grangers, granges, were voluntarily forwarded to the governor. Dr. Warren, who declined to be an applicant for reappointment to the position, added his endorsement. All these were couched in language that could not be misunderstood and all were of the same tenor, that, if Mr. Foust were appointed it would mean fair, square, straight treatment of all classes of men, protection to the farm and dairy interest and an honest effort to honestly enforce all laws pertaining to the Dairy and Food Division.

#### **A GOOD RESULT.**

Under the operation of the new Pure Food Laws, baking powders now generally bear on the labels a statement of the ingredients. This is of utmost importance because of the harmful ingredients used in many cases.

Royal Baking Powder is known to be the only baking powder made of Royal Grape Cream of Tartar, and this no doubt explains its greatly increased sale.

Careful housekeepers are taking advantage of the protection which the laws afford, and are examining all the reading matter on the back of the label before adopting any brand for use in the home.

When in place of the words Cream of Tartar the words "alum," "aluminum," or "phosphate of lime" appear among the ingredients, they heed the warning and avoid baking powders containing these substitutes.

#### **GOTHAMITES EAT MUCH CHEESE.**

New York City eats every year more than 25,000,000 pounds of cheese, says G. G. Netter in the New York Herald. Of this enormous quantity there are 7,000,000 pounds of American cheese, 6,500,000 pounds of Swiss cheese, 2,500,000 pounds of Camembert and 3,500,000 pounds of different creamy and fancy cheese.

#### **COMMISSIONER WHEATON.**

Hon. A. H. Wheaton of South Dakota, the newly appointed Food and Dairy Commissioner of that state, has been closely associated with agricultural education and the upbuilding of the farms and homes of South



**PROF. A. H. WHEATON.**

South Dakota Dairy and Food Commissioner.

Dakota. He comes to the work with an appreciation of its importance, with a level head and mature mind, and should make a success of the work in South Dakota.

#### **A PRIZE FISH STORY.**

"In South America," said the returned traveler, "there is a peculiar species of fish which is provided with a set of embryo limbs on which it is at times able to hop across the fields and even to climb trees. I believe that is the only instance known of fishes that can travel overland."

"Oh, I don't know," comments the other man. "Right here in the United States I have known fish that traveled thousands of miles overland."

"You don't say? May I ask what sort of fish they are?"

"Canned salmon."—Modern Grocer.

#### **HANDING HIM A LEMON EXPENSIVE.**

The lemon, at once one of the most useful and most abused fruits, is about to get revenge on the near humorists, who have made it the subject of ribald song and idle jest. Wholesale prices shot up from 50 cents to \$1 on crate lots.—Modern Grocer.

#### **A POLITE THRUST.**

"Professor," said a senior, trying to be pathetic at parting, "I am indebted to you for all I know."

"Pray don't mention such a trifle," was the reply.—Pennsylvania Punch Bowl.



# ADDRESS ON PURE FOOD LAWS

By Senator Byron W. Newberry—

Father of The Iowa Pure Food Laws

BEFORE THE

Iowa State Bar Association at Davenport, Iowa, July 12th, 1907

The sale of unwholesome or adulterated foods has long been considered offenses against public health.

Blackstone, in his enumerations of private wrongs, says: "Injuries affecting a man's health are, where by unwholesome practice of another, a man sustains apparent damage in his vigor or constitution, as by selling him bad provisions and wine; by the exercise of a noisome trade which affects the air of the neighborhood, or by neglect or unskillful management of his physician, surgeon or apothecary." Blackstone's Commentaries, III, 122.

The sale of corrupt wine, contagious or unwholesome flesh, or flesh that is bought of a Jew, or the brewing or adulteration of wine are offenses specified in Blackstone in respect to public health. Blackstone's Commentaries, IV, 162.

To give any person injurious food to eat, whether the offense be executed by malice or a desire for gain, or mixing anything in the food made and supplied for human consumption, which would be unwholesome or deleterious to health, or knowingly permitting servants to mix unwholesome ingredients in foods, or to expose in the public market any article intended for human food or drink, knowing the same to be unfit for the purpose intended, were offenses at common law.

The necessity for pure food legislation is generally recognized. For more than twenty years prior to the enactment of the national food and drug act of June 30, 1906, measures pertaining to the adulteration and misbranding of foods were pending in congress. Iowa has been somewhat dilatory in adopting pure food legislation, but the act of February 26, 1906, passed by the thirty-first general assembly, supplemented by the measures enacted by the thirty-second general assembly, places Iowa in the forefront for desirable and effective pure food legislation. The national law and the state law are drawn on similar lines and the definitions are substantially alike.

The essence of the law is to prevent the adulteration and misbranding of foods and drugs.

The definition of food as used in the law includes all articles used for food, drink, confectionery or condiment by man or other animals, whether simple, mixed or compound.

Under both the national and state law an article of food is deemed to be adulterated:

1st—If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

2nd—If any substance has been substituted wholly or in part for the article.

3rd—If any valuable constituent of the article has been wholly or in part abstracted.

4th—If it be mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed.

5th—If it contains any added deleterious ingredi-

ent which may render such article injurious to health.

6th—If it consist in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food whether manufactured or not, or if it is the product of a diseased animal or one that has died otherwise than by slaughter.

The definition of drug, as used in both the national and state law, includes "all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use and any substance or mixture intended to be used for the cure, mitigation or prevention of diseases of man or other animals."

And drugs are deemed to be adulterated:

1st—If when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength or purity as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation, provided that no drug so defined shall be deemed to be adulterated if the strength, quality or purity be plainly stated upon the bottle, box or container thereof, although the standard may differ from the test laid down in the United States Pharmacopœia or National Formulary.

2nd—If its strength or purity fall below the professed standard or quality under which it is sold.

The term "misbranded" in the meaning of the law, applies to all articles of food or articles which enter into the composition of food and to all drugs, the package or label of which shall bear any statement, design or device regarding such article or the ingredients or substances contained therein which shall be false or misleading in any particular and to any food or drug product which is falsely branded as to the state, territory or country in which it is manufactured or produced.

The national law includes in one act, provisions both as to articles of food and drugs. The enforcement of the law is placed with the Secretary of Agriculture and the proper United States district attorneys. The examination of foods and drugs is under the direction of the Bureau of Chemistry of the Department of Agriculture. And the Secretary of the Treasury, Secretary of Agriculture and the Secretary of Commerce and Labor are empowered to make uniform rules for carrying out the provisions of the law. The law became effective January 1, 1907.

The state law is principally in two acts. That of February 26, 1907, pertaining to foods, and its enforcement is charged to the State Food and Dairy Commissioner, who is empowered, with the approval of the executive council, to make all necessary rules and regulations for carrying out the provisions of the law, which act is now in force, except as to canned



corn purchased or received by either wholesale or retail dealers prior to July 1, 1906, which is exempt from its provisions till January 1, 1908.

The act of April 6, 1907, applies to drugs, and its enforcement is placed with the Pharmacy Commission. Said act is now in force, except as to goods purchased or received by either wholesale or retail dealers of this state prior to July 1, 1907, which are exempt from the provisions of the act till April 1, 1909.

There are some points of difference between the state and national laws as to the adulteration and misbranding and labels.

#### AS TO FOODS.

(a) Under the state law where "an article is an imitation of or offered for sale under the specific name of another article," or where "it is labeled or branded so as to deceive or mislead the purchaser or purports to be a foreign product which it is not so," it is termed "adulterated," while under the national law it is termed "misbranded".

(b) In the state law is the additional requirement that articles of food "must conform to standards established by law".

(c) In the state law is the provision that "vinegar shall be deemed adulterated if it contains any added coloring matter".

(d) In the national law confectionery is deemed to be adulterated "if it contains terra alba, barytes, talc, chrome yellow or other mineral substances or poisonous color or flavor, or other ingredients deleterious to health, or any vinous, malt or spiritous liquors or compounds or narcotic drugs." In the state law the words "or any vinous, malt or spiritous liquors or compounds or narcotic drugs," are omitted. This clause should properly be included in the state law, although such liquors, compounds or drugs would doubtless be held to be prohibited under the general provisions of the law.

(e) The state law requires that where a weight or measure is given on the label, the same must be the net weight or measure, although the gross weight or measure is not prohibited if the net weight or measure is given.

(f) In the state law the use of saccharine or formaldehyde in articles of food is absolutely prohibited.

(g) The state law requires each can or package of baking powder to be properly labeled to show the name of each ingredient.

(h) In the state law, where labels are required on mixtures, compounds, combinations, imitations or blends, the label must show the exact character, and the name and quantity or proportion of each constituent thereof.

(i) The state law definitely prescribes the size of type and requirements of the label, while the national law prescribes no form of specification of labels, but leaves that to be fixed by the officers empowered to make regulations.

(j) In the state law, to the fourth specification as to adulteration, is added the word "purity".

(k) In the state law the word "coated" is omitted in the fourth specification.

(l) In the state law, in the fifth specification, is the additional clause, "or any ingredient which may render such article injurious to health".

(m) In the national law there is no express provision for food standards. Under the agricultural appropriation act of March 3, 1903, provision is made for the investigation of the adulteration of foods, con-

diments, beverages and drugs, and the Secretary of Agriculture, with the assistance of official agricultural chemists and other experts, is empowered to establish standards of purity for food products and to determine what are regarded as adulterations therein. In accordance with such provision, standards of purity of many food products have been established and bulletins containing same issued by the Department of Agriculture. While it may be doubted whether the standards established are absolutely binding and controlling under the national food law, such standards are generally accepted to be correct, and will be relied upon by those having the enforcement of the law, and will be given great weight by the courts.

The state law contains a specific enactment of the national standards for flavoring extracts and vinegar.

#### AS TO DRUGS.

(n) The term "drug" in the state law includes substances or mixtures of substances to be used "for the destruction of parasites." There was some question as to whether sheep dips, cattle dips and the like were included in the definition of the national law, so this clause was added to the state law.

(o) The state law prohibits methyl (wood) alcohol, crude or refined, or denatured alcohol in any preparations or products intended for use of man or domestic animals for either external or internal use or for cosmetic purposes or for inhalation or perfumes.

(p) In the state law, cocaine and alpha and beta eucaine are not included in the list of habit forming drugs where the name and quantity or proportion of such drugs must be placed on the label. But cocaine and alpha and beta eucaine are included in a general state law that limits their dispensing and sale to a physician's prescription, which makes the law as to cocaine and eucaine more restrictive than the national law. Too much care cannot be taken in the use and sale of habit forming drugs and certainly the purchaser has the right to know, outside of a physician's prescription, that he is purchasing such narcotic drugs.

(q) There are some slight differences as to labels. Otherwise the state drug law is substantially the same as the provisions of the national law.

#### POLICE POWER.

The enactment and enforcement of pure food laws by a state come under what are known as the general police power of a state. This power is broad and general in its scope.

Blackstone defines police power and economy to be: "The due regulation and domestic order of the kingdom whereby the individuals of the state, like members of a well governed family, are bound to conform their general behavior to the rules of propriety, good neighborhood and good manners, and to be decent, industrious and inoffensive in their respective stations."

No full and complete definition of police power has been given. The courts have preferred to determine whether a particular case comes within the general scope of the power than to undertake to give an abstract definition of the power itself that would be applicable to every case that might arise.

The police power means the general power of the state to promote and preserve the public welfare and is a power that belongs to and is wielded almost exclusively by the state.

"The police power of a state extends to the pro-



tection of the lives, limbs, health, comfort and quiet of all persons, and to the protection of all property within the state, and hence to the making of all regulations promotive of domestic order, morals, health and safety." *Railroad Co. vs. Husen*, 95 U. S., 465.

The legislature may pass any measure that appears to be necessary for the preservation of the public health or the promotion of the public welfare, subject to the provisions of the federal or state constitutions; and the further limitation established by the courts that the exercise of the police power by the legislature must be reasonable.

"The question of reasonableness usually resolves itself in this: Is the regulation carried to the point where it becomes prohibitive, destructive or confiscatory." *Freund on Police Power*.

"Almost every police regulation effects to a greater or less extent some property right, but these rights are subject to such reasonable limitations as the legislature may deem necessary or expedient." *State vs. Schlenker*, 112 Ia., 642.

#### COMMERCE CLAUSE.

The principal check on the police powers of a state is the provision in the federal constitution giving congress power "to regulate commerce with foreign nations and among the several states," known as the commerce clause.

The difficulty is in drawing the line where the commercial power of congress ends and the power of the state begins.

Commerce is the interchange or mutual change of goods or provisions or property of any kind between nations or individuals. Commerce is more than traffic, it is intercourse. The power of congress to regulate is exclusive whenever the subjects of it are national in character or admit of only one uniform system or plan of regulation. The power to regulate includes all the forms and instruments by which commerce may be conducted. Interstate commerce applies only to the subjects which are property and lawful articles of commerce. If an article is recognized by the commercial world, by the laws of congress and by the decisions of the courts as a commodity, it cannot be excluded by a state as not a lawful subject of commerce; to this extent the state cannot fix its own standards against the general opinion of the commercial world that will govern interstate commerce.

In *Leisy vs. Hardin*, 135 U. S., 100, the supreme court held that the citizens of one state had the right to import beer into another state contrary to its statutes, and the right to sell it there in the original packages, and that commerce between states has been confided exclusively to congress by the constitution, and is not within the jurisdiction of the police powers of a state unless placed there by congressional action.

Soon after the decision of *Leisy vs. Hardin* was rendered, congress passed the act of August 8, 1890, known as the Wilson bill, placing intoxicating liquors transported into a state, upon arrival there, under the operation and effect of the laws of such state enacted in the exercise of its police powers, to the same extent as if produced in such state and not exempt by reason of being introduced in original packages or otherwise.

The supreme court later, in *Rhodes vs. Iowa*, 170 U. S., 442, held that the term "arrival" in this act meant delivery to the consignee and that the power of the state did not attach until the actual delivery of the interstate shipment to the consignee.

In *Schollenberger vs. Pennsylvania*, 171 U. S., 1, it was held that oleomargarine being a well known article of food is a proper subject of interstate commerce, and that its sale in original packages is valid.

Congress has since passed the act of May 9, 1902, relinquishing its powers to the state as to oleomargarine, similar to the provisions of the Wilson bill as to intoxicating liquors.

Congress alone can act as to admissions of goods from one state to another, and a failure to act indicates that commerce must be free. The right to import an article includes the right to sell, but in case of original packages, only one sale is permissible after the goods enter a state, as the act of sale places the goods in the common mass of property in the state, and is then exclusively under state control, and likewise the act of breaking the package places the goods in the common mass of property in the state.

There is no statutory definition of original packages, but the courts have construed it to mean the box or case or bundle in which the goods were shipped, and not the package in which they were placed by the manufacturer before they were placed in the larger box or container or bundle for shipment. As defined in *McGregor vs. Cone*, 104 Iowa, 473, "The original package is that package which is delivered by the importer to the carrier at the initial point of shipment in the exact condition in which it was shipped."

The fourteenth amendment is sometimes invoked as a restraint to the police powers of a state under the provision prohibiting any state to "deprive any person of life, liberty or property without due process of law," and "to deny any person within its jurisdiction the equal protection of the laws."

In the *Slaughter House Cases*, 16 Wall, 36, it was held that the chief application of the clauses "due process of law" and "equal protection of the laws" was as to the negro. This view has been modified and extended by subsequent decisions. But in those cases where the public health and safety are involved, the supreme court has uniformly held that the inhibition of the fourteenth amendment do not limit and were not designated to limit the subjects upon which the police powers may be exerted. *State vs. Mugler*, 123 U. S., 623; *Powell vs. Pennsylvania*, 127 U. S., 678; *Austin vs. Tennessee*, 179 U. S., 343.

It is fundamental that the fourteenth amendment does not impose any restraint on the exercise of the police powers of the state for the protection of the safety, health or morals of the community. *State vs. Schlenker*, 112 Iowa, 642.

In *Powell vs. Pennsylvania*, 127 U. S., 678, a Pennsylvania statute prohibiting the manufacture or sale of imitation butter or cheese within the state was decided valid and not repugnant to the clause of the fourteenth amendment as "to equal protection of the laws."

While in *Schollenberger vs. Pennsylvania*, 171 U. S., 1, the same statute, tested under the commerce clause, was held invalid to the extent that it prohibited the introduction and sale of oleomargarine from another state in original packages.

#### INTENT.

The element of intent has generally been eliminated from the offences prescribed in pure food laws. The dealer is held responsible for the purity and wholesome condition of the foods he may sell, and it is no defense that he was ignorant of their being adulterated unless intent is made an element of the offense.



The seller must take upon himself the right of knowing that the article of food he offers for sale is not adulterated. *State vs. Smith*, 10 Rhode Island, 260.

One who does a thing forbidden by statute is liable to the punishment imposed by it though in doing the act he has no evil intent, unless the statute makes intent an element of the crime. *State vs. Zeichfeld*, 23 Nev., 304; *Haggerty vs. St. Louis Ice Co.*, — Mo., 238.

Under an Ohio statute prohibiting the sale of an adulterated article of food, it was held not essential to prove that the accused had knowledge of such adulteration. *State vs. Kelley*, 54 Ohio, 166. In which case the court says: "If the statute had imposed upon the state the burden of proving knowledge of adulteration it would thereby have defeated its declared purpose."

In Michigan it was held under a similar statute, "that proof of a guilty knowledge or intent is not essential to conviction." *People vs. Snowberger*, 113 Mich., 86.

The supreme court of Wisconsin holds, "When a statute does not make intent an element of offense, but commands an act to be done or omitted, with a culpability, ignorance of the fact or state of things does not excuse the violator." *State vs. Hatwell*, 24 Wis., 60.

Under a Massachusetts statute one may be convicted of selling adulterated milk although he did not know it to be adulterated. *Commonwealth vs. Farren*, 9 Allen, 10; *Commonwealth vs. Smith*, 103 Mass., 444.

In case of *State vs. Schenker*, 112 Iowa, 642, Judge Deemer, delivering the opinion says: "It is not enough to show that the defendant did not intend to defraud, or that the milk he sold was wholesome. If it were true almost any law intended to protect the public health and safety might be overthrown. It is enough that adulterations such as prescribed by statute, may defraud or prove deleterious to the public health or comfort. The legislature may well determine that the adulteration of milk tends to facilitate vicious practices and it ought to be prohibited. To defeat the act prohibiting such conduct it is not enough to show that in the particular case the article sold was innocuous. Criminal intent is not an essential element of the offense described in the statute and need not be shown in order to justify conviction."

It is generally conceded that ignorance and carelessness in the sale of food stuffs is a menace to health and ought to be restricted by proper penalties. And that the legislature has the power to eliminate from the offense the element of intent and thus greatly increase the efficacy of the law.

#### GUARANTY.

There is a provision in the national food and drug act: "that no dealer shall be prosecuted under the provisions of the act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer or other party residing in the United States, from whom he purchased such articles, to the effect that the same is not adulterated or misbranded within the meaning of the act, designating it. Such guaranty to afford protection shall contain all the names and addresses of the party or parties making the sale of such articles to such dealer, and in such case said party or parties, shall be amenable to the prosecutions, fines or other penalties which would attach in due course to the dealer under this act."

The question arises as to the constitutionality of incorporating such a provision in a state law.

A state has no jurisdiction over non-residents, so that if a general guaranty clause was included in a state law providing for the guaranty to be signed by a wholesaler, jobber or manufacturer either in the state or without the state there could be no way for enforcing the guaranty as to those residing without the state, and would be a discrimination against those residing within the state, and a provision limiting the guaranty to the manufacturer or jobber residing in the state would appear to be clearly unconstitutional.

A statute which discriminates in favor of the products of our own state by permitting the sale of them on terms more favorable than are granted for sale of similar articles produced in other states is plainly unconstitutional under the decisions of the supreme court of the United States: *Welton vs. Missouri*, 91 U. S., 123; *Hannibal R. R. Co. vs. Huesen*, 95 U. S., 465; *Tiernan vs. Rinker*, 102 U. S., 123.

Any local regulation which in terms or by its necessary operation denies to owners of articles of commerce in other states the right to compete in the market of the state upon terms of equality with the owners of like articles within the state, is when applied to the people and products or industries of other states a direct burden upon commerce among the states, and therefore void. *Brimmer vs. Rebman*, 138 U. S., 82; *Voight vs. Wright*, 141 U. S., 63.

Where compliance with the requirements of the statute is impossible to the non-resident dealer and its enforcement against him would operate as a practical prohibition of his business, particularly if the regulation is not impossible of performance to the resident who is engaged in the same business, the regulation will be declared to be an unconstitutional interference with interstate commerce. *Minnesota vs. Barber*, 136 U. S., 313.

The purpose of the commerce clause of the constitution is to prevent discrimination in favor of local products. *Kehror vs. Stewart (Ga.)*, 44 S. E., 854.

"All persons other than resident manufacturers or their agents, selling articles manufactured in the state, shall pay the specific license tax imposed by this section," held a clear case of discrimination in favor of home manufacturers and against the manufacturers of other states. *Webber vs. Virginia*, 103 U. S., 344.

In the exercise of its public powers a state may exclude from its territory or prohibit the sale therein of any articles, which in its judgment fairly exercised, are prejudicial to the health or which would injure the lives or property of its people. But if the state under the guise of exercising its police powers, should make such exclusion or prohibition applicable solely to articles of that kind, that may be produced or manufactured in other states, the court will find no difficulty in holding such legislation to be in conflict with the constitution of the United States. *Guy vs. Baltimore*, 100 U. S., 434.

So that a guaranty clause in a state law either general or limited would probably be declared to be unconstitutional.

The Iowa law only imposes a money fine on the offender. From the nature of things the retailer is the person upon whom the punishment must primarily rest. The restrictions in a state law apply almost solely to the retailer. He may be advised by the manufacturer or jobber that the goods he sells will comply with the state law, and he may have no intent to vio-



late the law in any particular, and in such a case it seems a hardship to bring his violation to the attention of a court. But as the punishment is only a money fine he can, without the aid of a statutory provision, if a person of prudence, fully protect himself in the due and ordinary course of business, by requiring before purchasing and receiving goods, a guaranty from the manufacturer or jobber, that the goods purchased comply in all respects to the law and stipulating therein to hold him harmless for any penalties imposed, or costs incurred for the violations in the sale or keeping with intent to sell such goods. This requirement in due course of trade is generally exacted by the retailer of the wholesaler, and the wholesaler of the manufacturer. So that the fine and costs in course of business eventually falls upon the manufacturer or packer, who alone is in position to know that his products comply with the law.

#### COLORING.

On the grounds of protection of health and the prevention of fraud, coloring of certain articles of food is prohibited. In numerous statutes coal tar and other poisonous colors are prohibited in confectionery and other food products as a menace to health.

Some twenty-three states have laws prohibiting the adding of any coloring matter to vinegar. In New York a law prohibiting the coloring of vinegar even with artificial coloring not injurious in any way to health was sustained. 145 N. Y., *People vs. Girard*.

The statutes of New Hampshire and West Virginia requiring oleomargarine to be colored pink so as to make deception impossible was upheld. *State vs. Marshall*, 64 New Hampshire, 549; *State vs. Meyer*, 42 West Virginia, 822.

The supreme court of the United States decided that the New Hampshire statute was void so far as it interfered with interstate commerce on the ground that to require an added foreign substance to an article of food whereby it is rendered unsalable is in reality not regulation but prohibition. *Collins vs. New Hampshire*, 171 U. S., 30.

The supreme court of the United States held a Massachusetts statute prohibiting the coloring of oleomargarine in semblance of yellow butter, valid, as a legitimate police regulation although affecting interstate commerce. *Plumley vs. Massachusetts*, 155 U. S., 461.

The coloring of oleomargarine with annatte, a harmless color, under a New Jersey statute, was declared a valid prohibition. *State vs. Newton*, 50 N. J., 534.

It belongs to the legislature to exercise the police power of a state subject to the power of the courts to decide the constitutionality of any particular law.

The unconstitutionality of a state enactment under the police power should be plainly apparent for a court to interpose its authority, as well stated by Judge Harlan in *Plumley vs. Massachusetts*, 155 U. S., 461. "The judiciary of the United States should not strike down a legislative enactment of a state, especially if it has direct connection with the social order, the health and the morals of its people unless such legislation plainly and palpably violates some right granted under the national constitution or encroaches upon the authority delegated to the United States for attainment of objects of national concern."

#### LEGISLATIVE POWERS.

It is within the constitutional power of the legislature to establish regulations for prevention of fraud in the sale of articles of food, it is generally for the

legislature to determine what regulations are needed for that purpose. *Cooley on Constitutional Limitations*, 168.

The state has the right to regulate or prohibit the sale of such articles of food as the legislative function of government shall, in its wisdom, deem necessary to regulate or prohibit. *Powell vs. Pennsylvania*, 127 U. S., 678.

While a state may not have power to totally exclude an article of interstate commerce it may so regulate the introduction of an imported article as to insure purity. *Schollenberger vs. Pennsylvania*, 175 U. S., 1.

A statute requiring the labeling of lard substitutes and compounds so as to show the nature and ingredients of the article offered for sale, was declared a valid exercise of the police power. *State vs. Aslesen*, 50 Minn., 5; *State vs. Snow*, 81 Iowa, 642.

The legislature has the undoubted power to fix positive standards to prevent fraud or evasion and difficult controversies as to facts provided they are reasonable in their purport and application.

The legislature may fix an arbitrary standard and declare that all milk falling below that standard is impure or adulterated. *State vs. Campbell*, 64 N. H., 402.

The sale of milk adulterated with water, though water be of the purest water, may be prohibited. *State vs. Graves*, 15 R. I., 208; *People vs. West*, 106 N. Y., 293.

The police powers of a state extends to prohibition of the sale of articles imitative of food substances, though they are not injurious to health. *Powell vs. Pennsylvania*, 127 U. S., 678; *Walker vs. Pennsylvania*, 127 U. S., 69; *State vs. Snow*, 81 Iowa, 641.

#### PUBLICITY.

Under the Iowa law as well as the laws of some of the other states, the officers charged with the enforcement are authorized to procure samples of food products shipped into the state or offered for sale in the state, for examination chemically and microscopically or otherwise, and to issue printed bulletins of such examination and analyses, which bulletins are furnished the newspapers of the state and otherwise generally distributed. A manufacturer, jobber or dealer, residing outside the state, is not amenable to the direct enforcement of a state law, for goods shipped into a state under the commercial clause. So that the only power that a state can invoke is the indirect one of publicity. Prior to the enactment of the national law this was the only means that adulterated articles of food shipped into the state by non-resident manufacturers or dealers could be even indirectly reached and the public made aware of the adulterations and impurities in such food stuffs.

Publicity, while an indirect result, is a powerful force. A purchaser desires to know what he is purchasing and will hesitate to purchase unwholesome or adulterated articles if advised of their true character.

Many practices cannot stand the light of publicity, and this is often a stronger force than positive regulation and restraint, in bringing about the desired standards of conduct and acquiescence in the requirements of the law.

#### TRADE FORMULAS.

Both the state and national laws have this provision: Nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods, which contain no unwholesome



added ingredient, to disclose their trade formulas except so far as the provisions of this act may require freedom from adulterations or misbrandings.

There are some things about trade formulas that ought not to be too greatly guarded. The public certainly has the right to know whether there are any deleterious or poisonous substances in any compound or mixture used as food.

The Minnesota supreme court has gone so far as to say: "That no man has the right to keep secret the composition of a substance which he sells as an article of food." State vs. Aslesen, 50 Minn., 5.

The provisions of the state pure food law has been extended so as to include the adulterations and misbrandings of paints, oils and agricultural seeds.

There are no more important measures affecting all the people than those pertaining to protection of the public health and the prevention of imposition and fraud in the manufacture and sale of food products. There has been great advancement in this field of legislation in recent years. The national food and drug act and the meat inspection act and the late enactments in many states meet the universal public demand for good and efficient pure food laws and which are being generally observed by the manufacturers and dealers in legitimate and wholesome goods.

#### **CUSTOM DECISION.**

(T. D. 28275.)

##### **CHEMICAL GLASSWARE.**

Appeal directed from decision of Board of United States General Appraisers, Abstract 15582 (T. D. 28223), involving dutiable classification of volumetric flasks, Stohman's stopper flasks, etc.

Treasury Department, June 24, 1907.

Sir: The department is in receipt of a decision of the Board of United States General Appraisers, Abstract 15582 (T. D. 28223), dated May 28, 1907, wherein it is held that certain "volumetric" flasks and Stohman's stopper flasks, also articles composed of blown glass and fitted with adjuncts of india rubber and other materials, are not dutiable as blown glassware at 60 per cent ad valorem under paragraph 100, but are properly dutiable as bottles under paragraph 99 and as manufactures of glass under paragraph 112, respectively.

In view of the importance of the issue, you are hereby directed to file an application for review, in accordance with the provisions of section 15 of the customs administrative act of June 10, 1890.

Respectfully,

JAMES B. REYNOLDS,

(6772.)

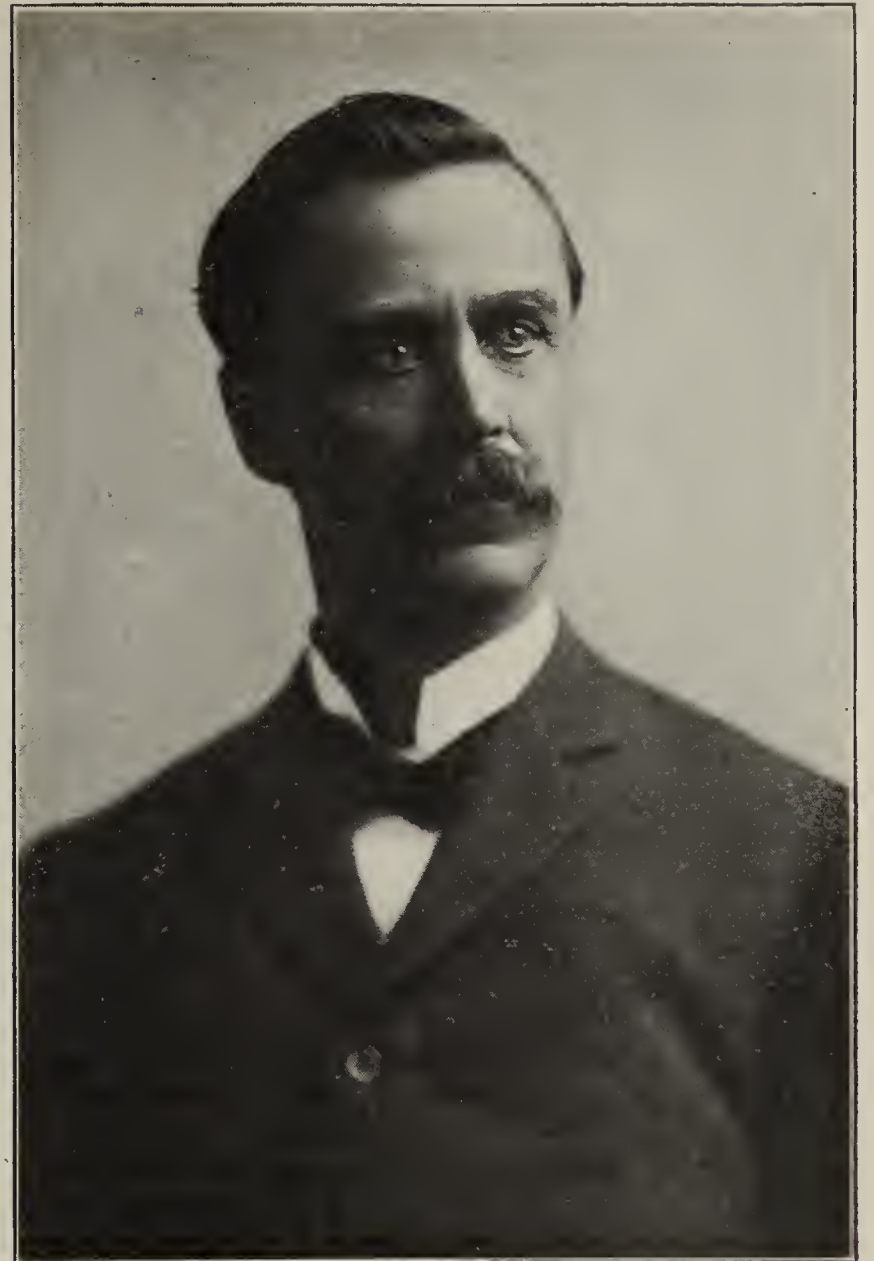
Assistant Secretary.

Collector of Customs, New York.

#### **HON. BYRON W. NEWBERRY.**

In another part of this issue we are printing an address on Pure Food Laws delivered before the Iowa State Bar Association at Davenport, Ia., February 12, by Byron W. Newberry, senator from the Thirty-sixth Iowa district, composed of Clayton county, who was born at Brawnhelm, Lorain county, Ohio, on September 1, 1853. His parents, who were both natives of the state of New York, came to Iowa in 1855 and settled on a farm near Strawberry Point, in Clayton county, where he was reared. He was educated in the public schools and Upper Iowa University, from which institution he graduated in 1875. He

attended the Law Department of the State University as a member of the class of 1876. In 1877 he located at Strawberry Point in the practice of law. In 1887 he formed a partnership with his brother, Charles W. Newberry, in the law business, which partnership still exists under the firm name of Newberry Brothers. He has been an officer of the Strawberry State Bank since its organization in 1883, and now holds the position of president of said bank. He was elected senator from the Thirty-sixth district in 1903, and served



**SENATOR BYRON W. NEWBERRY.**  
Father of the Iowa Pure Food Laws.

in the Thirtieth, Thirty-first and Thirty-second General Assemblies. He was married to Miss Eva M. Buckley on December 30, 1907. A Republican in politics.

Senator Newberry was one of the leading members of the legislature in the Thirty-first and Thirty-second General Assemblies, and fathered the pure food bill in the senate and succeeded in having it passed in the Thirty-first General Assembly. In the Thirty-second General Assembly he introduced amendments to the pure food bill, also was the author of the pure paint bill, the drug act and the law regulating the sale of concentrated commercial feeding stuffs and agricultural seeds, all of which were put on the statute books by the Thirty-second General Assembly, largely through the efforts of the senator from Clayton.

Senator Newberry is six feet and three inches tall, possesses a pleasing personality and enjoys a large circle of friends.



## SCIENTIFIC

### A NEW METHOD FOR PREVENTING CHAR IN THE BABCOCK CENTRIFUGAL DETERMINATION OF FAT IN MILK AND MILK PRODUCTS.

M. L. HOLM, PH. C., M. D., CHEMIST CHICAGO DEPARTMENT OF HEALTH.

Every chemist who has used the Babcock centrifugal method for fat determination has experienced the difficulty of obtaining clear fats, and without clear fats there can be no uniformity in results, and the accuracy is seriously impaired.

**The Principle of the Test.**—When strong sulphuric acid is mixed with an equal volume of milk a complete solution of the protein is effected, with separation of the fat. This fat is raised into the graduated neck of a bottle with hot water, which keeps the fat melted, from which it may be read and recorded.

**Cause of Difficulty.**—If sulphuric acid be too weak the protein is only partially dissolved, the undissolved portion mixing with fat and increasing its volume. If the sulphuric acid be too strong a marked charring of the organic constituents will result. By carefully adjusting the strength of the acid and as carefully proportioning same to the quantity of milk, satisfactory results may be obtained but, even then, the results vary greatly with conditions. For instance, the strength and proportion which will give clear fats on an average day in winter may show a marked char in the summer; likewise, without any temperature change, a clear fat may be obtained from a watered milk, while a sample with a high per cent of solids will show considerable char.

The char obtained may be from one or all of three sources, viz., carbohydrates, proteins and fats. A black, foamy char is obtained from the carbohydrates, and is one of the most troublesome. If the proportion of carbohydrates be artificially increased, as by addition of starch, dextrine, gums, or sucrose, we find it to be impossible to obtain clear fats, as any proposition of sulphuric acid sufficient to dissolve the proteins will always char the carbohydrates. A flocculent, brownish colored char is from the casein. It may be obtained when the carbohydrates are present only in small quantity and the casein jet practically normal chemically, as in the analysis of cottage cheese, etc. A fat char may be produced either when the acid is considerably above the required strength or at the zone of contact between the acid in the bottom of the bottle and the milk above, when there is unusual delay before mixing. Evidence of fat char is a brownish translucent fat, in which cases duplicate analysis often show the reading to have been markedly low. Any of above chars when present are very annoying to the practical dairy chemist, because they are generally more or less intimately mixed with the fat, and it becomes, under such circumstances, impossible to determine how much is char and how much should be actually read as fat.

**How to Prevent Char.**—The sulphuric acid must be of proper dilution. I find the ordinary commercial sulphuric acid quite satisfactory. This has an average specific gravity of about 1.832 at 15° C. It has

the advantage of being cheap and usually requires no dilution.

**Technique.**—176 cc. of milk is measured into a Babcock milk bottle or 18 gms. of cream is weighed into a cream bottle. Then by means of a dip pipette, add 2 cc. of a mixture of glycerin 80 parts and water 20 parts, by volume, so that it will run down the inside of the neck of the bottle and under the milk; 176 cc. of commercial sulphuric acid is then added to each bottle, being run in with the least possible agitation of contents. The acid will form a layer beneath the glycerin which separates it from the milk, and mechanically prevents char formation by the concentrated acid upon the milk before the bottle is rotated. The contents of the bottle are then mixed by rotation and swing in the centrifuge as usual.

The water is added to the glycerin to make it flow more freely, being of higher gravity than the milk and lower than the acid the mixture forms a protecting layer between the milk and the acid while the latter is being added and before the concentrated acid can be more thoroughly diffused by rotation, thus avoiding what is undoubtedly an important source of char. It increases the dilution without materially increasing the amount of water and does not, therefore, cause any separation of casein which an equal volume of water would if similarly added. The glycerin also causes a more rapid separation of the fat. The glycerin is perfectly miscible with water and sulphuric acid in all proportions, and practically without action upon the acid in that dilution. It is immiscible with fat, and does not interfere with the acid in acting simultaneously as a test for formalin.

I have now used this modification in the analyses of several thousand milk samples and the fats have been uniformly clear. Numerous duplicate analyses with and without the modification have confirmed absolutely its accuracy and reliability.

Respectfully submitted for publication,

M. L. HOLM, PH. C., M. D.

2358 Indiana avenue, Chicago.

## FOOD NOTES

The main building of the Toasted Corn Flakes factory in Battle Creek, Mich., was burned July 4, causing a loss of about \$75,000. Three firemen were injured during the blaze and one lineman electrocuted while working in the ruins.

\* \* \*

Ella Wheeler Wilcox is also authority for the statement that most of the cheap brands of wheat flour are composed of a goodly per cent of gravel. These are all good literary items these days.

\* \* \*

Dr. W. P. Cutler, Pure Food Inspector of Kansas City gives the composition of Worcestershire Sauce as follows:

Water, beef livers, sugar, salt, black pepper, coriander seed, garlic, mace, allspice, cayenne pepper, ginger, Chinese soy, port wine, distilled vinegar, burned onion.

Pity to impart the information gratuitously when as high as \$1,000 has been offered for the formula or even a successful imitation of one of the foremost brands.



## Household Science

### THE CAPITOL KITCHENS.

BY CHARLES JAMES FOX, PH. D.

By the enactment last winter of the Pure Food Law the National Congress at Washington has made its direct influence felt in the kitchen of every household throughout the country. Among the many progressive steps made in the direction of modern hygiene and sanitation within the last decade, none will be productive of more lasting and beneficial results than that clause on our national statute books which calls for

the sanitary kitchen obligatory. It has, however, set an excellent example in the construction of its own kitchens in both the House and Senate wings of the national capitol. The floors and walls of these kitchens are completely covered with tile which, as an inorganic, non-porous material, cannot absorb the numerous foreign animal and vegetable matter which necessarily becomes spilled or spattered on the floor and walls of every kitchen. The unsanitary kitchen is one which has the floor and walls of wood or some other organic and porous material, which absorbs in the wood itself and in the cracks between the boards, a large amount of dirt and filth which soon propagates myriads of vegetable micro-organisms, among them many dangerous disease germs, which are always lia-



The United States Senate Kitchen.

a rigid inspection of Federal officers of all foods which become the object of interstate commerce. The new law has been put into such immediate and complete execution that already countless poisonous concoctions which had been masquerading under the names of food or medicine and were being forced upon an unsuspecting public by a diligent system of deceptive advertising, have been thrown out of the market, and their manufacturers compelled to seek other and more honest, though perhaps less lucrative, occupations.

To complete the purpose of the Pure Food Law it is necessary to second this national reform in our food products by a reform equally as great in the construction of the kitchens in which food is prepared for the table. Congress, of course, cannot pass a law making

ble to infect the foods that are ever present in the kitchen. No amount of scrubbing is able to do more than keep these wooden floors simply looking clean. Most of the bacteria which infest these absorbent floor and wall coverings need moisture, and the very washing which is intended to clean the floors supplies this necessary moisture.

One of the greatest reforms in sanitary buildings of the last generation has been the almost universal adoption of the inorganic floor and wall covering for the bathroom. The modern bathroom, with its open plumbing fixtures and its tiled floor and walls is a model of sanitary perfection. The kitchens and butler's pantries, however, in many of our finest residences, have not kept pace with this progress. Yet



the inorganic, non-absorbent, and germ-proof floor covering is, as a matter of fact, far more essential in the kitchen than in the bathroom. It is in the rooms where food is prepared or stored that the most determined effort should be made to eradicate all infectious germs. The warmth, moisture, and numerous vapors arising from cooking foods, always present in the kitchen, forms a most propitious atmosphere for micro-organisms, which could not exist for half a day in any other parts of the house. Only in kitchens with non-porous and easily washable floor and walls is it possible to remove completely all the animal and vegetable matter which is constantly spattered about. In other kitchens this foreign matter remains even though invisible, and by its decomposition, becomes the breeding ground for bacteria of all kinds. A properly tiled kitchen, such as those of the House and Senate of our national legislature, can be virtually flushed out with a hose, and it is a simple matter to keep such a kitchen in an absolutely sanitary condition.

The universal adoption of the modern sanitary kitchen is as necessary a reform as the enactment of the Pure Food Law. The rooms in which the food for the table is prepared should be constructed with the same regard for hygiene and sanitation as is observed in the construction of the modern hospital.

#### **CUSTOM DECISION.**

(No. 15830.)

SCIENTIFIC INSTRUMENTS—MINNESOTA STATE DAIRY AND FOOD COMMISSION.

Protest 224277 of State Dairy and Food Commission against the assessment of duty by the collector of customs at the port of St. Paul. Before Board 3, June 17, 1907. Opinion by Hay, G. A.

It was contended that a scientific instrument imported by the Minnesota State Dairy and Food Commission was entitled to admission free of duty under paragraph 638, tariff act of 1897, relating to scientific articles imported for institutions established "solely" for educational and scientific purposes. Protests overruled.

Hay, General Appraiser: The Minnesota State Dairy and Food Commission is not a college, nor an academy, nor a school, nor a seminary of learning, nor is it a state or public library. We are brought, then, to the inquiry as to whether or not it is incorporated solely for any of the purposes named in the law. The only contention made at the hearing was that it was incorporated partially for educational purposes, for it could not be and is not contended that it was incorporated for religious purposes, philosophical purposes, or literary purposes, and, except in the broadest use of that term, it could not be said to be incorporated for scientific purposes. An examination of the act creating the commission we think is decisive of the question. It certainly was not incorporated *solely* for educational purposes, and that it must have been in order to have the benefit of the act. While the work of the commission is unquestionably educational in its character, just as the wise and proper administration of every function of government is in a measure educational, the commission's chief function, if not its sole function, is that of the inspection of food products in order to save the public from the use of adulterated, noxious and dangerous food. It is created as an arm of the government of the state of Minnesota in the exercise of that police power which

is one of the chief functions of every government, and is not, we think, such an institution as is contemplated by paragraph 638. In this respect it differs from agricultural experiment stations existing in many of the states, in that their sole function is the scientific investigation of plant life and animal life for the purpose of promoting agriculture.

## **FIXTURES**

**Time and Place of Holding Conventions, Food Shows and Expositions Relating to Pure Foods.**

International Pure Food Exposition (World's Pure Food Show) at the Coliseum, Chicago, Ill., November 19th to 25th, 1907. Address Managing Director Thomas I. Hoyne, Manhattan Building, Chicago, Ill.

Eleventh annual convention of the Association of State and National Dairy and Food Departments at Norfolk, Va., July 16th, 17th, 18th and 19th, 1907. Address R. M. Allen, Secretary, Lexington, Ky.

The National Pure Beverage Exposition at the Coliseum, Chicago, Ill., December 10th to 14th, 1907, inclusive. For particulars address the National Exposition Co., managers of the National Pure Beverage Association, Room 608, 167 Dearborn St., Chicago, Ill.

Norfolk, Va.—Jamestown Exposition, April 20 to Nov. 30, 1907.—Food Products Exposition. H. St. George Tucker, president; G. T. Sheppard, secretary.

## **The Way of the Transgressor is Lard**

The difference between COTTOLENE and lard is just this: COTTOLENE is a vegetable product made from the purest cottonseed oil; lard is an animal product made from hog fat.

COTTOLENE is pure, wholesome and digestible; lard is often impure and always indigestible.

COTTOLENE is sold only in sealed, air-tight tin pails, keeping it always fresh and sweet; lard is usually sold in bulk, exposed to dust and dirt and the odors of fish, kerosene, etc., so common in most groceries.

COTTOLENE is richer than either lard or cooking butter, one-third less being required.

COTTOLENE shortens your food, lengthens your life; it's "the perfect shortening."

Made by

**The N. K. Fairbank  
Company**



# Corn Products Manufacturing Co.

The Heyworth Building. Chicago

**Corn Syrups,  
Glucose,  
Grape Sugar,  
Corn Starch,  
Confectioners' T. B. Starch**

ALL PRODUCTS GUARANTEED UNDER THE  
FOOD AND DRUGS ACT, JUNE 30, 1906.

'Karo Corn Syrup is a Pure Food Product.  
Its Ingredients, Corn Syrup 85% and Re-  
finers Syrup 15% are of the Highest Quality  
and prepared according to U. S. Standards.'

**PURE BEVERAGES ARE JUST AS IMPORTANT AS PURE FOODS**

THAT IS WHY THERE IS GOING TO BE A

**NATIONAL PURE BEVERAGE EXPOSITION**

At  
the  
Coliseum  
Chicago



December  
10  
to 21  
1907

If you want to show that your product is a PURE BEVERAGE, address

**THE NATIONAL EXPOSITION COMPANY**

608-167 Dearborn Street, CHICAGO





# Henderson Bourbon

and

# Maryland Reserve Rye

Analysis Proves them to be

## PURE FOOD WHISKIES

Up to Standard and True to Label

For Sale by

**BREEN & KENNEDY**

187-189 Washington Street  
CHICAGO



## Cause of Rheumatism

An eminent physician says—that rheumatism is the direct result of improper eating and may be absolutely cured by leaving out your dietary animal foods of all kinds and living on cereals, fruits, nuts and vegetables. A diet consisting of milk and cereal foods will cure the most acute form of Rheumatism, while those who live mainly on animal foods cannot escape it.

## DR. PRICE'S

### WHEAT FLAKE CELERY

## FOOD

is rich in potassium and sodium—essentials of the diet of persons with rheumatic dispositions. The whole wheat berry being used, the food becomes a regulator of the bowels.

**Palatable — Nutritious — Easy of Digestion and Ready to Eat**

Can be served hot. Put in a hot oven for a few minutes; or cook in boiling milk.

**10c a package**

All Grocers

*My Signature*  
on every  
package

*Dr. V. C. Price*

82



# THE AMERICAN FOOD JOURNAL



Vol. II No. 8

CHICAGO, AUGUST 15, 1907

10c. Per Copy  
Monthly \$1.00 Per Year



**HON. A. C. BIRD**  
Michigan Dairy and Food Commissioner



# Corn Products Manufacturing Co.

The Heyworth Building. Chicago

## Corn Syrups, Glucose, Grape Sugar, Corn Starch, Confectioners' T. B. Starch

'Karo Corn Syrup is a Pure Food Product.  
Its Ingredients, Corn Syrup 85% and Re-  
finers Syrup 15% are of the Highest Quality  
and prepared according to U. S. Standards.'

ALL PRODUCTS GUARANTEED UNDER THE  
FOOD AND DRUGS ACT, JUNE 30, 1906.

## ATLAS Harmless Synthetic Colors

ATLAS VEGETABLE COLORS  
IN PASTE OR DRY FORM

### Atlas Carmine

No. 40

Guaranteed absolutely free  
from coal tar matter. Has  
no equal in strength, clearness  
or brilliancy.



### Koncentrona

:: :: OUR NEW :: ::  
VEGETABLE BROWN

To replace Coal Tar or Iron  
Browns. The only adaptable  
Vegetable Brown, very strong  
and correct in shade.

## H. KOHNSTAMM & COMPANY

Established 1851

112 Franklin Street, CHICAGO

87 Park Place, NEW YORK



# THE AMERICAN FOOD JOURNAL



Vol. 2. No. 8.

CHICAGO, AUGUST 15, 1905.

Monthly, \$1 Per Year.  
10c Per Copy.

## REPORT OF THE PROCEEDINGS OF THE Eleventh Annual Convention OF THE Association of State and National Food and Dairy Departments At Jamestown Ter-Centennial Exposition July 16th to 19th, '07

### TUESDAY JULY 16.

#### FIRST SESSION.

In the absence of First Vice President E. F. Ladd or any of the other vice presidents, they having been delayed, the train from the west bearing the western delegates being late, the convention was called to order promptly at ten o'clock, July 16, 1907, at the Convention hall of the Inside Inn, Jamestown Exposition, by Secretary Allen.

Secretary Allen read a letter from Hon. Horace Ankeney, president of the association and former dairy and food commissioner of Ohio, in which Mr. Ankeney stated that he was unavoidably detained at home, and that he questioned the propriety of his presiding at the convention in view of the fact that he was not actively connected with the Ohio department.

After reading the letter from President Ankeney, Secretary Allen notified the delegates and visitors present that Hon. F. J. H. Kracke, naval officer of the port of New York, who was to deliver the introductory address, had not arrived and that the convention would stand adjourned until two o'clock.

### TUESDAY JULY 16.

#### AFTERNOON SESSION.

At two o'clock sharp, Prof. E. F. Ladd, commissioner of North Dakota, and vice-president of the association, occupied the chair and called the convention to order.

First in order was the report of the executive committee, which was read by Secretary Allen, and upon motion the same was adopted as read.

No roll call on attendance was called for and the



COMMISSIONER E. F. LADD.  
Chairman of the Convention.



AMERICAN FOOD JOURNAL herewith presents a correct list of those who were present at the convention:

**Members of the Association of State and National Food and Dairy Departments, in Attendance.**

COLORADO.

Hon. B. G. D. Bishopp, state dairy commissioner, Denver.

CONNECTICUT.

Hon. J. B. Noble, commissioner, Hartford.  
Dr. E. H. Jenkins, director, agricultural experiment station and state analyst, New Haven.  
Hon. R. O. Eaton, deputy commissioner, Hartford.  
Gen. H. O. Averill, state cattle commissioner, Hartford.

ILLINOIS.

Hon. Alfred H. Jones, state food commissioner, Robinson.  
Dr. T. J. Bryan, state chemist, Chicago.  
Mr. T. J. Nehls, assistant chemist, Chicago.

INDIANA.

Prof. H. E. Barnard, food and drug commissioner and chemist, state board of health, Indianapolis.

KANSAS.

Dr. S. J. Crumrine, chief food inspector and secretary, state board of health, Topeka.  
Prof. E. H. S. Bailey, chemist, state board of health, Lawrence.

KENTUCKY.

Dr. M. A. Scovell, director, Kentucky experiment station and member of food standards committee of the Association of Official Agricultural Chemists, Lexington.  
Mr. R. M. Allen, head division state food inspector, Kentucky experiment station, and secretary of the Association of State and National Food and Dairy Departments, Lexington.

LOUISIANA.

Dr. C. H. Irion, president, state board of health, New Orleans.  
Dr. R. E. Blouin, director, Louisiana sugar experiment station, New Orleans.

MASSACHUSETTS.

Mr. P. M. Harwood, general agent, Massachusetts dairy bureau, Boston.

MICHIGAN.

Hon. A. C. Bird, state dairy and food commissioner, Lansing.  
Prof. Floyd W. Robison, chemist, dairy and food commission, Lansing.

MINNESOTA.

Hon. John McCabe, assistant dairy and food commissioner, St. Paul.  
Prof. Julius Hortvet, chemist, dairy and food commission, St. Paul.  
Mr. W. W. Wall, secretary, dairy and food commission, St. Paul.  
Mr. J. G. Fowler, inspector, St. Paul.

MISSOURI.

Hon. R. M. Washburn, dairy and food commissioner, Columbia.  
Mr. Louis E. Cline, assistant chemist, dairy and food commission, Columbia.

NEW JERSEY.

Mr. R. B. Fitz-Randolph, director, state laboratory of hygiene, Trenton.

NEW YORK.

Hon. Henry H. Kracke, assistant commissioner,

department of agriculture, second division, No. 23 Park Row, New York City.

Mr. F. M. Greene, representative, Department of Agriculture, Albany.

Mr. E. F. Burke, representative, Department of Agriculture, Albany.

NORTH CAROLINA.

Mr. T. K. Bruner, secretary, State Board of Agriculture, Raleigh.

Prof. W. M. Allen, food chemist, State Board of Agriculture, Raleigh.

NORTH DAKOTA.

Prof. E. F. Ladd, food commissioner, and chairman of the convention of the Association of State and National Food and Dairy Departments, Fargo.

OHIO.

Hon. Renick W. Dunlap, state dairy and food commissioner, Columbus.

Dr. James H. Beal, chemist, Dairy and Food Commission, Scio.

PENNSYLVANIA.

Hon. James Foust, dairy and food commissioner, Harrisburg.

Dr. William Frear, chemist, Dairy and Food Commission, and chairman of the Food Standards Committee of the Association of Official Agricultural Chemists, State College.

SOUTH DAKOTA.

Hon. A. H. Wheaton, state food and dairy commissioner, Brookings.

Prof. J. H. Shepard, chemist, Dairy and Food Commission, Brookings.

UNITED STATES GOVERNMENT.

Dr. W. D. Bigelow, chief, Division of Foods, Bureau of Chemistry, Department of Agriculture.

Mr. Ed. H. Webster, chief, Dairy Division, Bureau of Animal Industry, Department of Agriculture.

Mr. W. G. Campbell, chief United States food and drug inspector.

Dr. Joseph Hoeing Kastle, hygienic laboratory, United States Public Health and Marine Hospital Service, Washington, D. C.

Prof. R. E. Doolittle, chief of New York Laboratory, Department of Agriculture.

Prof. A. L. Winton, chief of Chicago Laboratory, Department of Agriculture.

Mr. Ivan C. Weld, assistant dairyman, Dairy Division, Department of Agriculture.

Mr. H. H. Wagner, food inspector for the state of Virginia, Department of Agriculture.

VIRGINIA.

Prof. E. W. Magruder, chief chemist, Department of Agriculture, Richmond.

Dr. C. M. Bradbury, assistant chemist, Department of Agriculture, Richmond.

Mr. W. T. Holdsworth, milk and food inspector, Richmond.

WISCONSIN.

Hon. J. Q. Emery, dairy and food commissioner, Madison.

Dr. Richard Fischer, chemist, Dairy and Food Commission, Madison.

WYOMING.

Hon. E. W. Burke, dairy and food commissioner, Evanston.

Prof. Henry G. Knight, state chemist, Board of Health, Laramie.



**Delegates to the Convention, from City Pure Food Departments Not Members of the Association of State and National Food and Dairy Departments.**

KANSAS CITY, MO.

Dr. N. P. Cutler, general food inspector.

RICHMOND, VA.

Dr. E. C. Levy, chief health officer.

**Representatives Present from Allied Associations, Commissions and Leagues.**

Prof. H. H. Weber, member of the Food Standards Committee of the Association of Official Agricultural Chemists, not recorded as member of a state or national food department.

Mr. William F. Snow, representing the Pure Food Commission of the Medical Society of the state of California.

Miss Alice Lakey, chairman, Food Investigation Committee of the National Consumers' League, Cranford, N. J.

Mr. E. G. Routzahn, director, American Tuberculosis Exhibition of the National Association for the Study and Prevention of Tuberculosis, Chicago, Ill.

Mr. Henry Beach Needham, secretary, People's Lobby, Washington, D. C.

**Former Food Control Officials Present.**

Hon. E. O. Grosvenor, former dairy and food commissioner of Michigan, Detroit, Mich.

**Manufacturers and Their Representatives Present.**

Mr. Edwin C. Johnson, secretary, National Association of Manufacturers of Food Products, Boston, Mass.

Mr. F. E. Holliday, vice-chairman, Committee on Proprietary Goods, National Wholesale Druggists' Association, New York.

Mr. Dana T. Ackerly, of Breed, Abbott & Morgan, attorneys for the National Wholesale Grocers' Association, New York.

Mr. D. D. Colcock, secretary Louisiana Sugar Exchange, New Orleans, La.

Mr. W. E. Robinson, representative, National Canners' Association, Bel Air, Md.

Mr. Percy T. Morgan, president, California Wine Association, San Francisco, Cal.

Mr. William M. Griffin, Fruit Growers' and Packers' Association, San Francisco, Cal.

Mr. H. W. Hoops, representing the National Confectioners' Association, New York.

Mr. T. E. Lannen, attorney for the National Confectioners' Association, Chicago, Ill.

Mr. Sebastian Mueller, H. J. Heinz Co., Pittsburg, Pa.

Mr. L. S. Dow, H. J. Heinz Co., Pittsburg, Pa.

Dr. David Weson, Southern Cotton Oil Co., New York.

Mr. W. D. Richardson, Swift & Co., Chicago, Ill.

Mr. W. W. Archer, Armour & Co., Chicago, Ill.

Mr. A. Lowenstein, chemist, Nelson Morris & Co., Chicago, Ill.

Mr. Alick G. Richardson, vice-president, J. Hungerford Smith Co., Rochester, N. Y.

Dr. T. B. Wagner, Corn Products Company, Chicago.

Mr. Willis P. Anderson, secretary, J. Hungerford Smith Co., Rochester, N. Y.

Mr. H. L. Harris, Pacific Coast Borax Co., New York.

Mr. E. E. M. Newton, representing Reid, Murdoch & Co., Chicago, Ill.

Mr. Jay D. Miller, representing Sprague, Warner & Co., Chicago, Ill.

Mr. Edmund W. Taylor, of E. H. Taylor, Jr., & Sons, Frankfort, Ky.

Mr. M. Blakemore, Goodwin Preserving Co., Louisville, Ky.

Mr. S. Castleman, Torbitt & Castleman, Louisville, Ky.

Dr. Edward Gudeman, representing National Confectioners' Association.

**Others Present.**

Mr. David Chidlow, chemist, Washington, D. C.

Miss M. J. Wood, official reporter, Bureau of Chemistry, Department of Agriculture, Washington, D. C.

Mr. H. B. Meyers, THE AMERICAN FOOD JOURNAL, Chicago, Ill.

Mr. F. N. Barrett, American Grocer, New York.

Mr. W. O. Bates, Barrels and Bottles, Indianapolis, Ind.

The first address on the program, entitled "Publicity in the Enforcement of Pure Food Laws," by Hon. Edward K. Slater, dairy and food commissioner of Minnesota, was read by Mr. John McCabe, assistant dairy and food commissioner of Minnesota, Mr. Slater being unable to attend, and is reproduced in another part of this issue.

The second address on the program was by Dr. H. W. Wiley, chief of the Bureau of Chemistry, Department of Agriculture, entitled "Co-operation Between the Federal and State Authorities." Dr. Wiley being absent in Europe, no paper was presented to the convention.

The third address on the program was entitled "Co-operation Between the State and Federal Authorities," by Commissioner A. H. Jones of Illinois. Mr. Jones had not arrived at the time he was announced on the program, but appeared the following day.

The fourth address on the program, the second delivered at this session, was entitled "Possible Accomplishments by Independent City Action," by Dr. W. P. Cutler, general food inspector, Board of Health, Kansas City, Mo. Dr. Cutler read his paper and interjected remarks with reference to coal tar dyes and also upon the work of co-operation between the manufacturers, wholesalers and dealers in Kansas City, in which he stated that co-operation between these parties and his department had brought about a better understanding and feeling by which he has been able to accomplish more than could have been expected without this co-operation and in most cases he found the manufacturers anxious to comply with the provisions and requirements of the Kansas City law. Dr. Cutler's address will be found in another part of this issue.

The fifth address on the program, entitled "Food Control Work in the South During the Past Year," by Hon. T. K. Bruner, secretary, Department of Agriculture, Raleigh, N. C., was not read that day, Mr. Bruner not having arrived at the convention; and the convention proceeded to hear from Hon. A. C. Bird, dairy and food commissioner of Michigan, on "Commissioners' Rulings," which was well received



by the members present and is reproduced in another part of this issue.

The eighth address on the program and fourth address delivered, entitled "Review of Port Inspection Work," was read by Prof. R. E. Doolittle, chief of Food Inspection Laboratory, Appraiser's Stores, New York, and is reproduced in another part of this paper.

On the request of Commissioner Emery, whose address was not due until Friday, July 19, entitled "Uniform Laws," the convention agreed to hear Mr. Emery's address at this session and he then delivered his address—the fifth address delivered at this session. Commissioner Emery's paper elicited considerable discussion and comment and is reproduced in another part of this issue.



COMMISSIONER EMERY OF WISCONSIN.  
On Uniform Laws.

Upon motion of Prof. E. W. Magruder, chief chemist, Department of Agriculture of Virginia, Dr. David Wesson of the Southern Cotton Oil Co. was invited to address the members and others present.

Dr. Wesson appeared before the meeting and announced that as this was the first time the members of the association had met on Southern soil, it seemed particularly appropriate to improve the occasion by making them better acquainted with a Southern product which was rapidly becoming one of the great foodstuffs of the country. It was a product which many of them had met under many different names a great many times. In behalf of the Southern Cotton Oil Co. he invited those present to a luncheon to

be served on Wednesday, the 17th, at the Snowdrift Exhibit in the Pure Foods Building. Owing to the limited space, it was necessary to invite the guests to come in detachments at different times, and a personal card of invitation was issued to each member stating the time he would be expected. The convention accepted the invitation and a vote of thanks was tendered to Dr. Wesson for the courtesy.

The next address, and sixth of the afternoon session, was not scheduled on the program, but upon request of one of the delegates, Mr. W. E. Robinson of Bel Air, Md., representing the National Canners' Association, was invited to address the convention, which is reproduced in another part of this issue.

At this time Mr. Henry H. Kracke, assistant commissioner of the Department of Agriculture of the Second Division of New York, arrived and the introductory address which was to have been delivered by the Hon. F. J. H. Kracke, naval officer at the port of New York, at the morning session, but who was unable to attend, was delivered by Commissioner Henry H. Kracke for his brother, which is reproduced in another part of this issue.

After the address of Mr. Kracke the convention adjourned until 9 o'clock Wednesday morning.

#### Wednesday, July 17th, '07.

##### MORNING SESSION.

The convention was called to order at 9:30 a. m. by Chairman E. F. Ladd.

First address of this session was delivered by Prof. W. M. Allen, State Food Analyst of North Carolina, and is reproduced in this issue.

Second address of the session, entitled "The Score Card and Its Application in Dairy Inspection," by Prof. E. H. Webster, Chief of Dairy Division, Department of Agriculture, Washington, D. C., brought out considerable discussion and was well received by the delegates and is reproduced elsewhere.

Third address of the session, entitled "Has the Milk Standard Outlived Its Usefulness?" by Hon. P. M. Harwood, General Agent Massachusetts Dairy Bureau, Boston, Mass., is reproduced in another part of this issue. A general discussion on this address was participated in by Commissioners Noble, Wheaton, Emery, Washburn, Dr. Cutler and Secretary Allen.

Fourth address of this session, entitled "Milk Inspection Work at Richmond, Virginia," by Dr. E. C. Levy, Chief Health Officer, Richmond, Va., and is reproduced in this issue.

Dr. Joseph Hoeing Kastle of Hygienic Laboratory, U. S. Public Health and Marine Hospital Service, interjected some questions with reference to Dr. Levy's address.

Fifth address of this session, entitled "The Dairy Interest of Colorado," by Hon. B. G. D. Bishopp, State Dairy Commissioner, Denver, Col. After delivering his address Commissioner Bishopp invited the association to hold its next annual convention in Denver, Col., and presented letters from the Governor of the state and city officials of Denver, promising to entertain the delegates to the best of their ability.

The last address of this session, entitled "Butter and Cheese Factory Sanitation," by Prof. A. H. Wheaton, Dairy and Food Commissioner, Brookings, S. D., was then delivered by Prof. Wheaton and will be found in another part of this issue.



The morning program having been completed, the session adjourned to the luncheon which was tendered by the Southern Cotton Oil Co., at their Snowdrift Exhibit in the Pure Foods Building.

Each guest at the luncheon was given an invitation which read as follows:

"The Southern Cotton Oil Company requests the pleasure of your company at their exhibit, Pure Foods Building, Jamestown Exposition, May 1st to November 30th."

The menu served at the luncheon consisted of—

Fried Crabs and Fried Chicken, prepared with Wesson Cooking Oil.

Potato and Tomato Salads, prepared with Snowdrift Mayonnaise made from the same oil.

Beaten Biscuits, shortened with Wesson Cooking Oil.

Sandwiches.

The desert consisted of Snowdrift Ice Cream, prepared according to the following recipe:

Yolks of 5 eggs.

Two cups of granulated sugar.

Three pints water.

One pint Wesson Cooking Oil.

Two tablespoonfuls cornstarch.

One-half teaspoonful salt.

Flavor to taste.

Mix gradually the oil with the yolks of eggs until quite thick. Dissolve the sugar in water; bring to boiling point; add cornstarch, and cook till thickens. Cool, and add gradually to the thickened mixture of the oil and eggs. Flavor and freeze. This quantity makes one-half gallon. (No milk or cream used.)

Also Cake and Doughnuts, prepared from Snowdrift.

The luncheon demonstrated that cottonseed oil properly prepared is a very palatable food product and can even be used to replace butter fat in ice cream. As a frying medium it is unexcelled, many of the delegates present eating more frying stuff than they had for many days and suffering no inconvenience whatever. The salads, in which the Wesson Cooking Oil took the place of olive oil, were pronounced delicious by everybody.

Between seventy-five and eighty of the commissioners and guests enjoyed the repast. One of the features of the luncheon was a flashlight photograph of the body, which we herewith reproduce.



The Dairy and Food Commissioners Partaking of the Snowdrift Luncheon at the Southern Cotton Oil Co.'s Exhibit in the Food Products Building, Jamestown Exposition.



**Wednesday, July 17th, '07.**

## AFTERNOON SESSION.

The afternoon session which was scheduled to begin at 2 p. m. was delayed; the members were late in assembling on account of the Snowdrift luncheon and the convention was not called to order until 2:45 p. m. by Chairman E. F. Ladd.

The first address of the session was entitled "Food Control Work in the South During the Past Year," by Hon. T. K. Bruner, Secretary Department of Agriculture, Raleigh, N. C. This address was scheduled for the preceding day and was passed over at that time, as Secretary Bruner had not arrived. Desiring to leave at once for Europe, he was permitted to address the convention at this time.

The second address of this session was entitled "Conditions in the Drug Trade Affecting U. S. P. Requirements," by Prof. H. E. Barnard, Chemist and State Food and Drug Commissioner, Indianapolis, Ind.

The third address of this session was entitled "A Resume of State Drug Legislation, Its Efficiency and Faults," by Dr. J. H. Beal, Chief Drug Inspector, Ohio Dairy and Food Department, Scio, O.

The fourth address of this session was entitled "Diabetic Foods," by Dr. A. L. Winton, Chief of the Chicago Food and Drug Laboratory of the U. S. Bureau of Chemistry, Manhattan Building, Chicago, Ill.

The fifth address of this session was entitled "Antiseptics in Tomato Catsup," by Prof. Floyd W. Robinson, State Analyst, Lansing, Mich., and is reproduced in this issue. This address provoked considerable discussion and the closest attention was paid to it by those present, principally on account of the scientific experiments and deductions of the professor.

The sixth address of this session, entitled "Restrictions of Artificial Color in the Preparation of Food Products, with Specific Recommendations," by Prof. Julius Hortvet, State Analyst, St. Paul, Minn., was delivered and will be reproduced in our September issue. This address was discussed by Dr. Edward Gudeman of Chicago, Ill., representing the National Confectioners' Association and T. E. Lannen, attorney for this same association, both of whom stated that the recommendations contained in Prof. Hortvet's address met their views and indorsement. The address is reproduced in this issue.

The seventh address of this session, entitled "Color in Butter," by Hon. R. M. Washburn, State Dairy Commissioner, of Missouri, is reproduced in this issue.

The final address of this session, entitled "Importance in Prohibiting the Use of Artificial Coloring Where Such Is Used for the Purpose of Deception," by Prof. E. H. S. Bailey, Food Analyst, State Board of Health, Topeka, Kan., was delivered and created the greatest amount of discussion of any address thus far delivered, which was indulged in by Attorney T. E. Lannen, representing the National Soda Water Association; Commissioner Emery, Prof. Shepard, Dr. Gudeman, Prof. Crumbine and Prof. Ladd. The address is reproduced elsewhere.

The convention then adjourned until the following morning.

**Thursday, July 18th, '07.**

## MORNING SESSION.

The convention was called to order at 9:30 a. m. by Chairman E. F. Ladd.

The first address of this session, entitled "Like Substances," by Prof. James H. Shepard, State Analyst, Brookings, S. D., was then delivered. There was no discussion on this address whatever, although there was considerable expected.

The second address of this session was entitled "Plain Labeling," by Mr. R. M. Allen, Head Division State Food Inspection, Kentucky Agricultural Experiment Station, Lexington, Ky. Secretary Allen displayed illustrations of labels which he had prepared and which were passed among the audience for inspection.

The third address of this session, entitled "Bleached Flour," by Prof. E. F. Ladd, Food Commissioner, Fargo, N. D., was then delivered. Commissioner Emery occupied the chair as chairman of the convention during the time that Prof. Ladd delivered his address. The closest attention was paid to Prof. Ladd's address, which was illustrated with exhibits which Prof. Ladd distributed to his auditors. Prof. Ladd's paper was enthusiastically applauded. It was evident that Prof. Ladd had given the subject considerable thought and attention. This address with illustrations will be reproduced in our September issue. During the address several discussions took place between Dr. David Chidlow, expert flour chemist of Washington, D. C., and Prof. Ladd, which elicited considerable interest.

At this time the question of the time and place for holding the next convention of the association was taken up and Commissioner Bird took the floor and extended an invitation to the association to hold its next annual convention at either Mackinaw Island or Sault Ste. Marie, promising special hotel rates and accommodation and atmospheric surroundings that would make everybody happy and contented and far different from what the convention was then experiencing. Mr. Bird's glowing description of the cool breezes of northern Michigan was the only cooling atmosphere that the members could then enjoy and struck a sympathetic chord with the delegates.

After the conclusion of Commissioner Bird's invitation, Commissioner Bishopp addressed the convention in behalf of Colorado and again made a plea for the convention to go to that state.

Former Commissioner Grosvenor of Michigan was then called upon and he vouched for all the promises made by Commissioner Bird to give the best Michigan could afford if the convention would select Michigan as its next convention meeting place, and in the course of his remarks he called attention to the fact that the association was born in Michigan just eleven years ago and that it was an appropriate occasion for the members to select the birthplace of the organization to hold their next annual convention.

President Irion of the Louisiana State Board of Health then invited the delegates to hold their next annual convention at New Orleans, La., but supplemented his remarks with the statement that if they did hold their convention there that they had better select a date which would be more in harmony with the climatic conditions prevailing in that section of the country at certain periods of the year.

Several other invitations were extended which were read by the secretary, but upon a vote of the conven-



tion, Sault Ste. Marie, Mich., was selected as the place for holding the next annual convention of the association.

An amusing incident took place during the roll call of states on the place of holding the next annual convention, when Illinois was reached Commissioner Jones in order to be fair announced one and a half votes for Michigan and one and a half for Colorado, the incident provoked much laughter and clearly indicated that many practical politicians were among the members.



COMMISSIONER JONES OF ILLINOIS.  
Announcing the Vote of His State.

After disposing of the matter concerning the place of holding the next convention, the next discussion was with reference to the time for holding the convention. Several members suggested the last week in July and others the first week in August, but Commissioner Bird, who then took the convention into his confidence, asked that the week beginning August 18, 1908, be the date set for the convention; that at that period of the year, in upper Michigan, was the most

delightful of all; that he would guarantee that after the 15th of August no mosquitoes were in that section of the country. Upon this recommendation the convention selected the week beginning August 18, 1908, as the set date for the twelfth annual convention.



MASTERSON

COMMISSIONER BIRD OF MICHIGAN.  
Taking the Members Into His Confidence.

The convention then resumed the work of grinding out addresses and the fourth address of this session, entitled "A Review of Food Control Work in the West," by Hon. E. W. Burke, State Dairy and Food Commissioner, Wyoming, was delivered and will be reproduced in our September issue.

The fifth address of this session, entitled "The Guaranty Clause," by Prof. E. W. Magruder, Chief Chemist, Department of Agriculture, Richmond, Va., was delivered and will be reproduced in our September issue.

The sixth address of this session, entitled "Notes on the National Spice Standards," by Dr. William Frear, Vice-Director and Chemist, Agricultural Experiment Station, State College, Pa., was delivered and will be reproduced in our September issue.

The last address of this session, entitled "The Sanitary Side of the Production, Manufacture and Distribution of Food Products," by Dr. T. J. Bryan, State Analyst of Illinois, Chicago, Ill., was delivered and will be reproduced in our September issue.

The convention then adjourned for luncheon with the announcement that all the members and those attending the convention should proceed to the steps of the Inside Inn and have a group picture taken, a reproduction of this picture on the following two pages.



# Eleventh Annual Convention National Food and



FIRST OR FRONT ROW READING FROM LEFT TO RIGHT:—Edwin C. Johnson, Secretary, National Association of Manufacturers; Dairy Commissioner of Colorado; R. M. Dunlap, Dairy and Food Commissioner of Ohio; R. M. Allen, Secretary and Executive Officer of the Association and Food Commissioner of North Dakota; E. W. Burke, Dairy and Food Commissioner of Wyoming; H. J. Allen, Assistant Dairy and Food Commissioner of Minnesota; Alice Lakey, Chairman, Food Investigating Committee, National Consumers League.

SECOND ROW READING FROM RIGHT TO LEFT:—A. C. Bird, Dairy and Food Commissioner of Michigan; H. B. Needham, Secretary, Dairy and Food Commission; A. L. Winton, Chief of Chicago Laboratory, U. S. Department of Agriculture; E. W. Webster, Chief of Division of Foods, U. S. Department of Agriculture; T. J. Bryan, Illinois State Analyst; Master Charlie Lannen; M. A. Scovell, Assistant Dairy and Food Commissioner of Wisconsin; Richard Fischer, Chemist, Wisconsin Dairy and Food Commission; E. H. S. Baughman, Sugar Exchange; L. S. Dow, of H. J. Heinz Co.; Edmund W. Taylor, of E. H. Taylor, Jr., & Sons.

THIRD ROW READING FROM LEFT TO RIGHT:—David Wesson, of Southern Cotton Oil Co.; James Foust, Dairy and Food Commissioner of Ohio; W. P. Anderson, of J. Hungerford Smith Co.; L. E. Cline, Assistant Chemist of Missouri Dairy and Food Commission; F. E. Holbrook, of Morgan, Attorneys for National Wholesale Grocers Association; R. E. Doolittle, Chief of the New York Laboratory, United States Department of Agriculture of Virginia; S. J. Crumbine, Chief Food Inspector and Secretary of State Board of Health of Kansas; Harwood, General Agent, Massachusetts Dairy Bureau; R. B. Fitz-Randolph, Director, New Jersey State Laboratory of Hygiene; Edw. J. Allen, Food Commissioner of South Dakota; E. E. M. Newton, of Reid, Murdock & Co.; H. J. Allen, of the Corn Products Refining Co.; W. M. Allen, Food Chemist, North Carolina Board of Agriculture.



# f the Association of State and Dairy Departments



Food Products; Sebastian Mueller, of H. J. Heinz Co.; R. M. Washburn, Dairy and Food Commissioner of Missouri; B. G. D. Bishopp, Food Division, Kentucky Experiment Station; Mrs. J. Q. Emery; J. Q. Emery, Dairy and Food Commissioner of Wisconsin; E. F. Ladd, Chemist, Wyoming Dairy and Food Commission; gentleman and lady at the right, guests of Commissioner Burke; John McCabe, H. Jones, State Food Commissioner of Illinois; H. B. Meyers, "The American Food Journal"; J. G. Fowler, Food Inspector of Minnesota; "People's Lobby"; F. W. Robison, State Analyst of Michigan; W. O. Bates, "Barrels and Bottles"; W. W. Wall, Secretary, Minnesota Division, U. S. Department of Agriculture; Mrs. Julius Horvet; F. M. Greene, representative of the New York Department of Agriculture; or, Kentucky Experiment Station; James H. Shepard, Chemist of the South Dakota Dairy and Food Commission; W. D. Bigelow, Chief, Chemist, Kansas State Board of Health; C. H. Irion, President, Louisiana State Board of Health; D. D. Colcock, Secretary, Louisiana Commissioner of Pennsylvania; William Frear, Chemist, Pennsylvania Dairy and Food Commission; A. G. Richardson, of J. Hungerford Smith National Wholesale Druggists Association; W. G. Campbell, Chief United States Food and Drug Inspector; Dana T. Ackerly, of Breed, Department of Agriculture; S. Castleman, of Torbitt & Castleman; A. Lowenstein, Chemist, Nelson Morris & Co.; E. W. Magruder, Chief, E. Lannen, Attorney for National Confectioners Association; E. F. Burke, representing New York Department of Agriculture; P. M. Ademan, Commercial Chemist; J. H. Beal, Chemist, Ohio Dairy and Food Commission; Julius Hortvet, Chemist, Minnesota Dairy and Food Commission; N. W. Blackmore, of Goodwin & Co.; T. B. Wagner, General Superintendent



**Thursday, July 18th, 1907.**

AFTERNOON SESSION.

Convention called to order by Chairman E. F. Ladd at 2 p. m. sharp, the members sweltering under the high temperature and humidity, most of whom, led by Commissioner Foust of Pennsylvania, sought the windows of the Convention hall to grasp at a breath of air.



The first address of this session, entitled "The People's Lobby and Its Pure Food Work," by Mr. Henry Beach Needham, Secretary the People's Lobby, Washington, D. C., was loudly applauded by three of the auditors—Sisters Allen, Taylor and Bates—the bottled-in-bond guard. Nothing that could have happened could show more clearly that the People's Lobby was "bottled in bond" in disguise. One of the features of this address was the omission of certain statements directed at a gentlemen in the audience, but which was printed in the papers as having been delivered at the convention.

The second address of this session, entitled "The Preparation of Fruit and Vegetable Products with and without Preservatives," by Mr. Sebastian Mueller, H. J. Heinz Co., Pittsburg, Pa., was listened to very attentively on account of the positive position taken by Mr. Mueller that no preservatives are needed in the production and marketing and sale of tomato catsup.

At the conclusion of Mr. Mueller's address, Mr. A. G. Richardson, vice-president of the J. Hungerford Smith Co., Rochester, N. Y., delivered an address, entitled "The Preparation and Distribution of Fruit Syrups with and without Preservatives." The fact that this address took direct issue with the contention

of the author of the previous address, that their business would be practically ruined were they compelled to abandon preservatives, was freely commented upon.

The fourth address of this session was entitled "The Preparation of Tomato Catsup with and without Preservatives, by Mr. Chas. F. Loudon, Terre Haute, Ind. Mr. Loudon was unable to attend the convention and sent his address to Secretary Allen, who read it to the assembled delegates.

The fifth address of this session, and which was scheduled for the next morning, entitled "The National Consumers' League's Work for Uniform Laws," by Miss Alice Lakey, chairman Food Investigation Committee, National Consumers' League, Cranford, N. J., was delivered, Miss Lakey explained the work of the National Consumers' League fully to the members present, and distributed the report of the League to her auditors. This report is appended to her address, which will be printed in a subsequent issue of this publication.

The last address of this session was entitled "American Wines and the Pure Food Laws," by Mr. Percy T. Morgan, president California Wine Association, San Francisco, Cal. Mr. Morgan's address was listened to with great attention. Mr. Morgan distributed to the audience a copy of an analysis of wines as an appendix to his address, and will be reproduced in our September number.

The next order of business was the nomination and election of officers for the association for the ensuing term, and the nominating committee, consisting of H. E. Barnard, Chemist of the State Board of Health of Indiana; Richard Fischer, Chemist, Wisconsin Dairy and Food Commission, and H. H. Kracke, Assistant Commissioner of Agriculture of New York, who reported the following named members of the association and they were unanimously elected:

President—Prof. E. F. Ladd, Food Commissioner, North Dakota.

First Vice-President—Hon. E. W. Burke, Food Commissioner, Wyoming.

Second Vice-President—Hon. H. E. Schucknecht, Assistant Food Commissioner, Illinois.

Third Vice-President—Prof. E. W. Magruder, Chemist, Department of Agriculture, Virginia.

Secretary—Mr. R. M. Allen, Head Division State Food Inspection, Kentucky.

Treasurer—Mr. T. K. Bruner, Secretary Department of Agriculture, North Carolina.

Executive Committee—Hon. J. Q. Emery, State Dairy and Food Commissioner, Wisconsin; Hon. A. C. Bird, State Dairy and Food Commissioner, Michigan; Hon. H. H. Kracke, Assistant Commissioner of Agriculture, New York.

**Friday, July 19th, '07.**

MORNING SESSION.

The convention called to order at 10 o'clock by Chairman E. F. Ladd.

E. H. Irion, M. D., President of the State Board of Health of Louisiana, was recognized and explained the new Louisiana Food Law and also the action of the State Board of Health of Louisiana in holding back the regulations issued by them for the purpose of obtaining uniform rules and regulations with the national law. He took issue with the objects of the



National Pure Food Law with reference to sugar, molasses and rice, and dwelt upon the experiments by the State Board of Health of that state, the Sugar Experiment Station of the Louisiana State University at Audubon Park, New Orleans, La., and explained that the results were far different than those promulgated by the B. of C. at Washington. He hoped that the department would finally make some conclusive experiments, which would show that they were wrong in their contentions. Dr. Irion's remarks were a surprise to the members who heard them and were freely commented on for the boldness of the way in which they were made.

Dr. R. E. Blouin, Assistant Director in charge, was called upon by President Irion and he reiterated the statements made by Dr. Irion, and quoted from Bulletin No. 91, entitled "Chemistry of the Sugar Cane and Its Production in Louisiana," and Bulletin No. 94, entitled "The Effects on the Human System of Louisiana Manufactured Syrups and Molasses."

Dr. T. B. Wagner, representing the Corn Products Refining Co., was called upon by the chairman and

changes, and those found in the tentative draft of November 19, 1906, were adopted by the committee with slight changes. Upon motion of Prof. M. A. Scovell of Kentucky the report of the committee was adopted with the corrections suggested incorporated therein.

Upon motion of Commissioner Emery it was moved and carried that a committee composed of Assistant Commissioner Kracke of New York, Secretary Allen of Kentucky, and Assistant Commissioner Schucknecht of Illinois be made a press committee to edit the proceedings and furnish to the press whatever information should be given to the public. Upon motion of Secretary Allen it was moved that the officers of the association be added to that committee, which was also adopted.

A motion was made by Commissioner Jones of Illinois, and adopted by the convention, that all papers and discussions of this convention be referred to the authors for correction.

Dr. Irion of Louisiana moved to enlarge the Standard Committee from five to nine, which would give more representation on that committee by the various states. Secretary Allen moved to lay this motion on the table and stated that the committee was limited to the present representation on account of the Secretary of Agriculture having agreed to only appoint a limited number of the state chemists on the joint committee and for that reason the committee could not be increased.

Commissioner Burke of Wyoming then made a motion in which he suggested that the name of Prof. J. H. Shepard of South Dakota be substituted for the name of Prof. Elton Fulmer of Washington as a member of the Standard Committee in view of the fact that Prof. Fulmer was unable to attend the convention and could not make so many trips across the continent; whereas Prof. Shepard was more accessible, etc. Dr. Scovell of Kentucky opposed this action, saying that Prof. Fulmer had attended all the committee meetings and had given valuable services to the committee and that it would be unwise to supplant Prof. Fulmer with Prof. Shepard at this time, and the motion was defeated.

The question then came up with reference to the personnel of the committee and whether the permanent Committee on Food Standards was subject to change or not. No one seemed to know the exact status of the case and the subject was dropped without any action.

Commissioner Jones of Illinois asked permission of the convention to file his paper, which he was to deliver on the first day. Owing to being delayed he did not have an opportunity to deliver it before the convention. He also congratulated the officers on their work and efforts in behalf of the convention and dwelt on the subject of co-operation between the national and state food officials.

Miss Alice Lakey of the Consumers' League then spoke of the past work done by the Consumers' League and asked for assistance in the future and requested the convention to definitely state what they could do and that the League would help in any way possible.

Chairman Emery of the Committee on Resolutions then reported the set of resolutions, which he stated required a few typographical corrections. After the same were read they were adopted by the convention as follows:



A COWBOY HELD UP.

addressed the convention on the subject of corn products, after which a discussion arose in regard to his address, indulged in by Commissioner Emery of Wisconsin, President Irion of Louisiana and Assistant Commissioner McCabe of Minnesota.

The next subject for discussion was an address entitled "Extent and Results of Food Standard Work, Hindrances in the Work for Uniform Standards," by Prof. M. A. Scovell, Director Kentucky Agricultural Experiment Station, Lexington, Ky. Dr. Scovell stated that he had not had time to prepare a paper, but spoke to the convention and asked leave to file a prepared paper, which he would file with the secretary upon his return to Kentucky.

The next on the program was the report of the Food Standards Committee by Dr. Richard Fisher, Chemist, Dairy and Food Commission, Wisconsin. Dr. Fisher read a report covering about one page of manuscript, in which he stated that the committee had been working on certain standards but had not had time to prepare a complete report. He stated, however, that the standards adopted by the committee were those embraced in circular No. 19, without any



## RESOLUTIONS.

RESOLVED, That this Association hereby tenders its thanks to its Officers and Executive Committee for the splendid program provided for this, our annual meeting, and also the officers of this Association for the kind, courteous and efficient manner in which they have discharged their duties. And this Association sends cordial greeting to Horace Ankeney of Ohio, our retiring President.

WHEREAS, The work organized by the joint Committees on Standards of this Association and the A. O. A. C., bringing together as it does the united experience of State and National food experts and affording to the trade a full opportunity for suggestion and criticism, best meets our approval as broadly representative of the united judgment\* [OF RESPONSIBLE OFFICIALS AND OF TRADE INTERESTS. And

WHEREAS, THE SECRETARY OF AGRICULTURE HAS BEEN GIVEN FULL AUTHORITY UNDER THE FOODS AND DRUGS ACT TO RECOGNIZE THESE COMMITTEES; THEREFORE, BE IT FURTHER]

RESOLVED, That the Secretary of Agriculture be urgently requested to use all reasonable efforts to secure funds to enable him to make use of the aforesaid authority.

RESOLVED, FURTHER, That the abuse which has grown up under the guaranty clause of the National Foods and Drugs Act whereby it is made to appear in many cases that the National Government guarantees the purity of the food products, calls for correction.

RESOLVED, FURTHER, That this Association reiterates the necessity for closest co-operation between the States and the National Government in the enforcement of Pure Food Laws, to the end that a system of legislation enacted in the States under their police powers, and by the National Congress under power given to regulate inter-state commerce, shall not come into conflict, and to the end that the joint knowledge and experience of State and Federal officials may be brought to bear in the consideration of the many technical and practical questions arising in the enforcement of food laws.

RESOLVED, FURTHER, That the existing unity of sentiment, purpose and efforts between the States and National authorities meets our approval, and is cause for felicitation, and we bespeak the continuance of this hearty co-operation as mutually advantageous.

RESOLVED, FURTHER, That we strongly favor such uniformity in National and State food laws as can be made to comprise the strongest and most vigorous features of present State and National laws enacted for the purpose and with the effect of protecting the consuming public against adulteration and fraud, and without imposing any hardship on the trade not necessary to the accomplishment of that purpose; but we as strongly oppose that uniformity in National and State food laws which comes only to relieve the trade from hardship by writing into those laws the weakest and least effective features of present laws, and "such cunning ingenuity" that while bearing a fair countenance, they carry the elements of disaster in the courts and to the consuming public.

RESOLVED, FURTHER, That sanitary inspection should be extended to include small slaughter houses, small poultry and killing houses, creameries, cheese factories, dairy farms, milk depots, ice cream factories, restaurants, hotels, groceries and meat markets and all other places where food is produced, manufactured, stored or offered for sale, and that such inspection should in-

clude the sanitary condition of the buildings and utensils, herds, workmen and their clothing, and the condition of the raw materials and the finished product.

RESOLVED, FURTHER, That the use of mechanical carriers and other devices to obviate the necessity for handling the food products should be encouraged.

J. Q. EMERY,  
M. A. SCOVELL,  
A. H. JONES,  
R. W. DUNLAP,  
W. D. BIGELOW,

Committee.

\*Editor's Note.—The part in capitals was omitted from the copy furnished to the representative of this journal in New York City by Mr. H. H. Kracke, chairman of the Press Committee of the association. It is also omitted from the resolutions published in the various trade journals throughout the country. Desiring to print the resolution as intended for the press and public we communicated with Commissioner Emery of Wisconsin, chairman of the Committee on Resolutions, and the resolutions printed above are the ones sent to us by Mr. Emery, as per his answer appended herewith. We are, however, of the opinion, from an inspection of the original copy, that it was the intention of the committee to incorporate the words, "of responsible officials and of trade interests," and to omit the two succeeding paragraphs which refer to the Secretary of Agriculture having been given full authority under the Food and Drugs Act to recognize these committees.

\* \* \*

Mr. H. B. Meyers, American Food Journal,  
1235-1240 Caxton Bldg., 328-334 Dearborn St.,  
Chicago, Ill.

Dear Sir:

With this I am enclosing a copy of a letter to-day mailed to Hon. R. M. Allen, Sec. Assn. State and National Food and Dairy Depts., which letter is self-explanatory.

I am also enclosing a copy of the resolutions referred to in that letter. The resolutions herein enclosed are, according to my recollection, the ones that were prepared by the committee and reported to the convention.

Respectfully yours,

J. Q. EMERY,  
Commissioner.

Enclosures.

Mr. William F. Snow, representing the Pure Food Commission of the Medical Society of the State of California, then addressed the convention and asked for information in regard to what action their society should take to co-operate with the Association of State and National Food Departments in enforcing the food laws of California, in which he hoped to secure the assistance and advice of the members present in bringing about better food conditions in his state.

Commissioner Bird of Michigan then took the floor and stated that he was very grateful to the members for deciding to come to Michigan and that he would arrange everything so that the delegates would know just where to go and would acquaint them with the best route and keep the various departments informed as to the exact conditions to be expected and that he hoped to see all the members at this convention in attendance upon the next convention and also an increased attendance.

Then, upon motion of Commissioner Emery of Wis-



consin, and seconded by Dr. Scovell of Kentucky, the convention adjourned sine die.



SEC. ALLEN AND THE "PUSH" GIVING OUT  
ADULTERATED NEWS TO REPORTERS

## CONVENTION NOTES

Commissioner Burke of Wyoming aptly changed the name of the Inside Inn to the Inside Skin.

The bottled in Bond whisky organ, which has its business address in its hat, was represented at the convention. The hat, according to the American Detective Association of Indianapolis, is valued at \$4,200, on which there is a mortgage amounting to \$3,750.

We hope the executive committee, in preparing the next program, will not burden the membership with so many addresses. A fewer number of addresses, with greater opportunities for discussion and exchange of views on topics will benefit the members and the departments to a greater degree.

Commissioner Emery of Wisconsin stopped off at Washington for a day or two on his return from the convention to visit the capitol and incidentally to size up the seat of the representative of the second Wisconsin congressional district. Commissioner Emery would make a fitting successor to the late H. C. Adams.

The usual amount of FREE bottled-in-bond whisky was in evidence in the rooms of certain members of the association who desired to lubricate. Brother Taylor has a handy way of kissing through favorable consideration of his products by lubricating dry thoraxes. This plan, however, did not work with the legislature in Illinois.

Mr. Willard M. Griffin, representing the California growers and packers interests, appeared before the commissioners and explained conditions in California. In view of certain actions and assurances given by the Bureau of Chemistry, Department of Agriculture, the members were unanimous in agreeing to the same proposition wherever the laws of the state would permit.

Miss M. J. Wood, stenographer in the office of the Bureau of Chemistry at Washington, officiated as the official stenographer of the convention for Messrs. John Wiley & Sons, scientific publishers of New York

City, publishers of the official proceedings, who, it is said, bear no relationship to Dr. Harvey W. Wiley, chief of the Bureau of Chemistry, Department of Agriculture.

The convention was held in the convention hall of the Inside Inn. Many delegates, thinking the convention was to be held in the convention hall of the grounds, as advertised in the program, went across the entire grounds, only to arrive at an unsightly and unfinished building. This walk in the broiling sun, and the temperature at 100, was not appreciated by those unfortunate enough to have made the error.

Ostensibly the majority of the state food commissioners are advocates of publicity, and all state and national food laws provide for publishing the names of manufacturers and dealers in adulterated food products after being convicted. What a spectacle it was, then, when almost every day during the session a motion was made by Professor Scovell of Kentucky that the convention go into executive session so as to exclude the public and the press. It is a cowardly, though a crafty, way that Pilot Scovell has of steering his Washington craft off the shoals.

Dr. Richard Fischer, chemist of the Dairy and Food Commission of Wisconsin, and chairman of the standard committee of the Association of State and National Dairy and Food Departments, spent ten days in Kentucky previous to going to the convention investigating the whisky question. As one of the results of this investigation Dr. Fischer stated that there was no whisky in this country over 133 proof. The doctor would have arrived at more reliable results if he had pursued his investigations in Illinois and his home state, where he could easily have found whisky up to 160 proof, or he might have consulted the trade statistics, which report over twenty million gallons high proof whisky on hand on August 1.

The way in which the standard committee presented their report reminds us of a celebrated politician, whose first name was Richard and whose methods at conventions were so obscure as to obtain for him the sobriquet of "Dark Lantern Dick," which name clung to him until his death. His specialty was the drawing up of resolutions in such an obscure way and in such general form that they could subsequently be interpreted as he pleased. These methods indeed gained him some prominence in political gatherings where the means of arriving at results were not too clearly scrutinized, but it is a question whether they will be tolerated long in an organization of state dairy and food departments whose members are supposed by the people of the various states to stand upon somewhat higher ground.

When President Irion of the Louisiana State Board of Health and Commissioner Burke of Wyoming raised the question with reference to increasing the membership of the Standard Committee, Professor Scovell and Secretary Allen immediately handed out the black bottle containing the knock-out drops and put the members to sleep with the statement that the secretary of agriculture would not agree to increasing the size of the committee. This line of argument and hot air is too ridiculous to discuss, for if the association desired to increase its committee so that the



various sections of the country could have representation they had the power to do so and could make its membership as large as they desired, and had they increased the committee as advocated by a majority of the members present and which is in accordance with the records of the association the secretary of agriculture would have the opportunity to select from a larger list of state chemists those that he desired on the Joint Committee from the A. O. A. C. and the Association of State and National Dairy and Food Departments. It seems to be a case of the ins staying in and the outs being kept out, and the usual inside skin by befuddling the issue to those new members who are not acquainted with the facts.

**ARE THE MEMBERS OF THE BUREAU OF CHEMISTRY DEPARTMENT OF AGRICULTURE MEMBERS OF THE ASSOCIATION OF STATE AND NATIONAL FOOD AND DAIRY DEPARTMENTS?**

On page 25 printed proceedings of Hartford convention there is a query by Dr. Barnard of Indiana as follows:

"Mr. President, what arrangement is to be made as to the District of Columbia, represented by members of the Bureau of Chemistry?"

"President Noble: You have heard the question. What is the pleasure of the association as to the number of votes to be cast by the District of Columbia?"

"Mr. Flanders: I move that the District of Columbia be allowed three votes just the same as any of the states. Seconded by Dr. Scovell. Carried unanimously."

No one can find in the printed proceedings any resolution or motion wherein Section X of the by-laws of the association have been amended to admit to membership any of the members of the Bureau of Chemistry. Article X, Sections 1 and 2 of the by-laws, printed on page 17 of this issue, gives the qualifications for membership.

From a legal standpoint the members of the Bureau of Chemistry are not members of the Association of State and National Food and Dairy Departments.

**HISTORY OF THE STANDARD COMMITTEE.**

For the benefit of those members who do not happen to know the facts and the history of the Standard Committee, we present a history of the appointment of the Standard Committee from the official records of the Association. The first committee was appointed at the Buffalo Convention, October 17, 1901, upon motion of Dr. E. N. Eaton, then State Analyst of Illinois. In making the motion Dr. Eaton stated:

"I wish to call attention to the fact that the Association of Official Agricultural Chemists meets next month in Washington, D. C., and at that time they will probably take up the questions of standards for foods. For the first time in their history they are preparing methods of analysis for food and giving time to the discussion of dairy and food products. Up to this time that has never been done; they have confined their attention to fodders and feeding stuffs, but now they are going to take up the dairy and food work and regulate the methods of analysis for it, and I presume they will take up the question of standards, and that is very important to the members of this Association.

Mr. Blackburn and others mentioned the assistance they would give us by setting standards for this work. I do not know but what it would be a proper thing to appoint a committee to represent the dairy and food commissioners at that convention and report to this Association."

Dr. E. N. Eaton of Illinois; R. E. Doolittle, then Chemist of Michigan, and A. S. Mitchell, then Chemist of Wisconsin, were appointed.

At the Portland, Ore., Convention, held July 9 to 14, 1902, the Committee on Food Standards appointed by the Convention consisted of E. N. Eaton of Illinois, chairman; J. H. Shepard of South Dakota, R. E. Doolittle of Michigan, J. O. LaBach of Kentucky, E. F. Ladd of North Dakota, J. M. Nelson of Nebraska, Wm. H. Saylor of California, Elton Fulmer of Washington, A. Kniseley of Oregon and Herman Harms of Utah.

The next, or Seventh Annual Convention, held at St. Paul, Minn., on July 23, 1903, appointed a Committee on Standards consisting of M. A. Scovell of Kentucky, chairman; R. E. Doolittle of Michigan, J. H. Shepard of South Dakota, E. N. Eaton of Illinois, William Frear of Pennsylvania, A. L. Winton of Connecticut, Richard Fischer of Wisconsin, E. F. Ladd of North Dakota, J. O. LaBach of Kentucky, Julius Hortvet of Minnesota and Herman Harms of Utah.

On Saturday, October 1, 1904, at the International Food Congress and Eighth Annual Convention of the National Association of Dairy and Food Departments, we reprint from the records as follows:

Prof. Shepard: There is a little matter on behalf of the chemists of the association that I would like to say a word about, and it is this: In regard to the food standards. The chemists of the Association are brought in daily contact with all the problems concerning food inspection and it is to their dictum that everybody must bow. It seems to me that it would be a good plan if this association would appoint a committee on standards from the chemists of the association in order that we might enlist this great body of men. Of course when standards are fixed once new conditions are continually arising. Now, for instance, in this canning industry, we have got to take some stand on that and we will have chemists here that will understand those things. Now the object of having this committee appointed is simply to keep us abreast of the times and have the best that is going and the newest on that industry, and perhaps there is no need of my making any further statement in regard to the matter. I am not saying this because I want to be made chairman of the committee, but I do think this committee ought to be appointed, and I would like to hear from some of the other members.

Mr. Hobbs: It seems to me the remarks are well chosen, and I think if a committee of that kind is appointed, as a standing committee for the year, at the end of that year a report could be received from them that would be of great advantage to the members of this association.

The Chairman: If you will put that in the form of a motion we can act on it.

Mr. Hobbs: I move that the chairman appoint a committee of five to revise Food Standards, including the use of tin for canned goods, to report at the next annual meeting.

Chairman Bailey: I am totally in the dark as to who you want on that committee.



Mr. Scovell: I am decidedly in favor of such a committee and think it would be well to have a committee of that kind.

Prof. Shepard: Here we have got Prof. Ladd of North Dakota and Prof. LaBach and Dr. Fischer and the gentleman from Ohio, Mr. Hobbs, and there are a whole lot of these men who could serve on this committee.

Chairman Bailey: It is moved and seconded that a committee of five be appointed to work on the matter of revising food standards and methods of analysis to report at the next annual convention.

The motion was then put to a vote and duly carried.

Prof. Shepard: I would like to inquire if we cannot have the services of Prof. Winton or somebody from Connecticut.

The following committee was then appointed by the chairman:

Dr. E. N. Eaton, Illinois; Prof. A. L. Winton, Connecticut; Prof. Ladd, North Dakota; Mr. Hobbs, Ohio, and Dr. Fischer, Wisconsin.

At the Ninth Annual Convention held at Portland, Oregon, July 10 to 15, 1905, at the morning session the appointment of a standard committee was taken up and we herewith reprint from the proceedings:

Mr. Ankeney: I would make another suggestion and that is this: I notice that we have not yet had a report from the committee on standards that was appointed at the last meeting by special act, and the appointment of a new committee might be left until after they report and then——

The President: That will be entirely satisfactory.

Mr. Shepard: Mr. President, if it is in order, and I think it is, I move you, sir, that a permanent committee on standards be appointed, the members of which shall be named from time to time by the president of this association.

Now I do this in order to not come upon such a dilemma as we are in to-day. Last year it was a special action. This old committee is working under special action; and to appoint for the ensuing year it is my intention to make the committee permanent.

Mr. Allen: Mr. President, I would like to amend that motion. I think if we have a standard committee we ought to have all of our state analysts on it. I notice on our committee the other day our Kentucky analyst, Mr. La Bach, was omitted. He is a man actively engaged in food control work, and his suggestions I know would help, and I would like to amend Dr. Shepard's motion to say that all active state analysts be included in that, and then let them get together and elect their own secretary and officers and organize their work. But I think if you had a working chemical division of the National Association of State Dairy and Food Departments with your chairman and secretary and organization and your committees that you could get at this standard question and settle it. That is only a suggestion of mine.

Mr. Ankeney: Mr. Chairman, inasmuch as there is no provision in the constitution for such a committee, we can amend our own by-laws by a two-thirds vote at any annual meeting, why not make a motion to amend the by-laws and provide for a permanent committee of this kind and then we are sure to have it regular.

Mr. Shepard: I will accept that motion. It is certainly a good one.

Amendment seconded.

The President: It is moved that we amend the by-laws authorizing the appointment of a committee on standards.

Mr. Kracke: Of a standing committee on standards.

The President: Are you ready for the question? If so, signify it by saying Aye. Contrary No. It is a vote and carried.

At the afternoon session the question of the appointment came up and we again print from the records:

The President: If in order we will now name the committee on standards, permanent committee, which will be:

Dr. E. N. Eaton, Illinois.

Dr. A. L. Winton, Connecticut.

Dr. Richard Fischer, Wisconsin.

Dr. T. D. Wetterstroem, Ohio.

Prof. Julius Hortvet, Minnesota.

Dr. H. V. Tartar, Oregon.

Prof. Elton Fulmer, Washington.

Mr. Kracke: I would move the chair appoint three commissioners from three different states in addition to that standard committee, gentlemen who are not chemists, so that they might give their advice and experience in connection with that of the chemists and facilitate them in making better reports.

The motion was seconded.

The President: It has been moved and seconded that the chair appoint a committee consisting of three commissioners to co-operate with the committee on standards.

After a lengthy debate in which many acrimonious statements were made the motion was carried and Mr. McConnell stated that committee of commissioners to act with the chemists will consist of F. J. H. Kracke of New York, A. H. Jones of Illinois and J. W. Bailey of Oregon.

At the Tenth Annual Convention at Hartford, Conn., July 17th to 20th, 1906, pages 29 and 30, printed proceedings, we find:

Mr. Emery: I move that the suggestion made by Dr. Fischer in his paper be approved by this Association, and that the president decrease the committee on food standards—appointed at Portland last year—from seven to five, to work in conjunction with the A. O. A. C. committee on standards.

Seconded by Dr. Scovell.

Dr. Scovell: Mr. President, as an amendment to the constitution that will require a two-thirds vote, will it not?

President Noble: If it is the pleasure of the association we will take a vote, constitutionally, by states.

Secretary Allen: The vote is unanimous and therefore must be a two-thirds vote of the states represented.

President Noble: It is a vote.

## THE SUBSTITUTION EVIL IN FOOD STUFFS

"What-to-Eat" criticizes the methods of the Wholesale Grocers or Jobbers' Association. It is claimed that this association is inimical to the business of the independent manufacturers. The jobber is often a manufacturer as well and of course pushes his own goods to the disadvantage of private brands. The private brands are as a rule well advertised. A manufacturer who goes to the trouble and expense of making the public interested in his wares is certainly entitled to have his own goods supplied when called for instead of something represented to be just as good.



# THE ORIGINAL BY-LAWS OF THE NATIONAL ASSOCIATION OF STATE DAIRY AND FOOD DEPARTMENTS AND SUBSEQUENT AMENDMENTS ADOPTED AT CONVENTIONS

During the recent convention of the Association of the State and National Food and Dairy Departments held at the Jamestown Exposition, many members of the association asked for a copy of the by-laws to settle a number of questions which arose from time to time as to order of business and procedure. No one present had a copy, notwithstanding a resolution was adopted at the Portland convention in 1905 that the by-laws be printed with each annual report, which we fail to find in the last report. For the benefit of the new members of the organization, and for those older members who may have forgotten them, we herewith reproduce them from the original copies of the proceedings of the stated conventions. We shall be pleased to send an extra copy to any of the members who desire them free of charge, so that at the next convention the members will know that the association has a set of by-laws.

## By-Laws of the National Association of State Dairy and Food Departments.

### ARTICLE I.

#### NAME.

This Association shall be known as the National Association of State Dairy and Foods Departments. Adopted.

### ARTICLE II.

#### OBJECT OF THE ASSOCIATION.

Section 1. The object is to promote and foster such legislation as will tend to protect public health and prevent deception in the manufacture, sale and use of dairy, food and other products intended for human consumption.

Sec. 2. To promote uniformity in legislation and rulings relative to dairy and food products.

Sec. 3. To enhance the efficiency of dairy and food laws by developing an acquaintance tending to harmonize the interests represented by those charged with the enforcement of such State laws.

### ARTICLE III.

#### OFFICERS.

The officers shall consist of: One President, and Vice-Presidents as follows: First Vice-President, Second Vice-President, and Third Vice-President, and a Secretary, who shall also be the Treasurer; no two of whom shall reside in the same State. Adopted as corrected.

### ARTICLE IV.

#### COMMITTEES.

The committees shall be as follows:

1. A Legislative and Executive Committee.
2. A Finance Committee.
3. A Committee on Resolutions.

Adopted.

### ARTICLE V.

#### ELECTION OF OFFICERS.

All officers shall be elected by ballot, and shall hold office until the last session of the next annual meet-

ing, or until their successors are duly elected. Adopted.

### ARTICLE VI.

#### DUTIES OF OFFICERS.

Section 1. The President shall preside at all meetings and shall issue, or cause the Secretary to issue all orders or notices that may be required, and shall notify or cause to be notified all members of the Association of any meeting that may be called in accordance with the rules and by-laws; and appoint such committees as may be required, whose appointment or election are not otherwise provided for. Adopted.

Sec. 2. It shall be the duty of the Vice-President, in their numerical order, to act in the capacity of President, when the President or preceding Vice-President is absent, or from any other cause fails to act, in accordance with the by-laws of the Association. Adopted.

Sec. 3. The Secretary shall keep a record of the proceedings of each meeting, and conduct such correspondence and issue such notices as may be required of him by these by-laws, or by the President or acting President of this Association, by and with the advice and consent of the Legislative and Executive Committee. He shall, at least thirty days prior to any meeting of this Association, ascertain whether the President is qualified and will be present to act as such. If the President cannot act, the Secretary shall notify Vice-Presidents in their numerical order to be present and act as President of the meeting. He shall also have charge of all funds of the Association and pay the same upon the orders of the President on bills which have been audited and allowed by the Executive Committee. Adopted.

### ARTICLE VII.

#### LEGISLATIVE AND EXECUTIVE COMMITTEE.

The Legislative and Executive Committee shall consist of five members: The President and Secretary shall be members of this committee by virtue of their respective offices. The remaining three members shall be elected by ballot at each annual meeting and shall serve until their successors are elected. The President of the Association shall be the Chairman of the committee, and the Secretary of the Association shall be the Secretary of the committee. Meetings of this committee shall be held upon calls issued by the Chairman, at the request of a majority of the committee. Such calls shall state time, place and object of meeting, and shall give each member notice thereof at least fifteen days prior to the holding of the meeting. Adopted.

### ARTICLE VIII.

#### COMMITTEE ON FINANCE.

The Committee on Finance shall be composed of three members to be appointed by the President-elect at each annual meeting, and shall hold office until such time as their successors are appointed. It shall be the duty of this committee to devise and recor-



mend ways to procure funds for the use of the Association and perform such other duties as may be required of them by the Association. Adopted.

#### ARTICLE IX.

##### COMMITTEE ON RESOLUTIONS.

The Committee on Resolutions shall be composed of five members, to be appointed by the President at the first session of each annual meeting, and shall hold office during such meeting. Adopted.

#### ARTICLE X.

##### MEMBERSHIP.

Section 1. The following persons shall be members of this Association, ex-officio: (1) State Dairy Commissioners, (2) State Dairy Food Commissioners, (3) State Agricultural Commissioners charged by statute with the enforcement of dairy laws, (4) the Secretary or Executive Officer of the State Agricultural Board, which is charged by law with the enforcement of the dairy or food laws.

Sec. 2. The following persons shall be eligible to membership, viz.: The Deputies, Assistants, Secretaries, Inspectors and Agents, together with Attorneys, Chemists and other employes or attaches of the above named departments as may be recommended by the respective heads thereof; and in States having no such departments, a person appointed by the Governor of such State. All persons shall cease to be members of this Association when they cease to hold the position by virtue of which they are entitled to membership. Adopted as corrected.

#### ARTICLE XI.

##### VOTING.

In voting by ballot or otherwise each State shall be entitled to three votes. Those present and qualified may cast the full vote of their State.

#### ARTICLE XII.

##### AMENDMENTS.

These By-Laws may be amended at any regular meeting by a two-thirds vote of the States represented.

The Committee on Permanent Organization and By-Laws submitted the above by-laws to the first annual convention of the National Association of State Dairy and Food Departments at Detroit, Michigan, August 25, 26 and 27, 1897, and after discussion and amendments were adopted, section by section, article by article, as the association by-laws. The committee was composed of H. B. Cannon of Colorado, Geo. L. Flanders of New York, Eliot O. Grosvenor of Michigan, J. B. Noble of Connecticut, W. K. Boardman of Iowa, and J. E. Blackburn of Ohio.

##### AMENDMENTS TO BY-LAWS ADOPTED AT THE NINTH ANNUAL CONVENTION AT PORTLAND, OREGON.

Resolution presented to the Resolutions Committee by the Hon. T. K. Bruner of North Carolina, and presented to the convention by the Resolutions Committee at the ninth annual convention of the National Association of State Dairy and Food Departments, and adopted by vote of convention:

"Be it resolved, That the by-laws of this association be amended, to-wit: That the name of this association be changed so as to read, 'Interstate Pure Food Commission,' and that the president and secretary be authorized and directed to have this association incor-

porated and that the amended by-laws be published with each annual report."

Resolution presented to the Resolutions Committee by the Hon. F. J. H. Kracke of New York and presented to the convention by the Resolutions Committee at the ninth annual convention of the National Association of State Dairy and Food Departments and adopted by vote of the convention.

"Be it Resolved, That the by-laws of this association be amended so that the office of secretary and treasurer be separate offices from now on, and when the election is held for officers of this association this year, two distinct officers be elected.

##### AMENDMENTS TO BY-LAWS ADOPTED AT THE TENTH ANNUAL CONVENTION HELD AT HARTFORD, CONN.

"Resolved, That Article L\* of the By-Laws of the Interstate Pure Food Commission be and hereby is amended so as to read as follows:

"Article L.\* Name. The Association shall be known as the Association of State and National Food and Dairy Departments."

\*Article L is probably a misprint and should be Article I, no other by-laws of the association having ever been printed.

#### PENNSYLVANIA DEPARTMENT OF AGRICULTURE—DAIRY AND FOOD DIVISION.

##### SUPPLEMENT.

Rules and regulations prepared by the Dairy and Food Commissioner of Pennsylvania in pursuance of Section 3 of the Act of June 1, 1907:

Rule 8. Lard must contain no ingredient but the pure fat of swine. Any foreign substance will constitute an adulteration and will be treated accordingly.

Rule 9. Fruit or nut ice cream must be true to name and must not contain less than 10 per cent butter fat, together with sugar, eggs and a small amount of gelatin, not exceeding three (3) ounces to ten gallons of cream.

The foregoing rule applies where fruit (fresh or canned) or nuts are used for flavoring.

Rule 10. Meats and fish must at all times be kept in a pure, clean and healthful condition.

In the summer season they must be covered or protected from flies and insects by screens or other devices and must be kept at such temperature as will absolutely prevent any decomposition.

Refrigerators and ice boxes for the storage of meats and fish must be kept well iced and clean.

Stores and market houses and all rooms used for the storage or sale of meats and fish must be clean, properly ventilated and kept in a sanitary condition.

Any meat or fish not so cared for will be considered in violation and treated accordingly.

JAMES FOUST,

Dairy and Food Commissioner.

The Beverage Exposition to be held at the Coliseum, Chicago, December 10-21, is intended to include every sort of fluid utilized for the quenching of thirst. It has a double purpose, for in addition to its advertising features it is intended by its management and backers to be an educational institution whose aim will be to show the public the proper and improper use of beverages. There is no one versed in modern affairs who will not admit that the time is extremely ripe for an educational campaign along these lines and in consequence the Beverage Exposition comes at the most opportune moment for the accomplishment of its aims and purposes.



# THE AMERICAN FOOD JOURNAL



Published Monthly at 334 Dearborn Street, Chicago

By H. B. MEYERS & CO.

Telephone Harrison 2473

Subscription, \$1.00 Per Year Foreign Subscription, \$1.50

Address all communications and remittances and make drafts, checks and money orders payable to THE AMERICAN FOOD JOURNAL, 334 Dearborn Street, Chicago

All reading and advertising matter to appear in THE AMERICAN FOOD JOURNAL must be received at this office on or before the 12th of the month.

COPYRIGHT, 1907, BY H. B. MEYERS.

## NOTICE.

On account of our complete Report of the Convention of the Association of State and National Food and Dairy Departments we are printing sixteen additional pages this month. We are also compelled to omit our Regular Directory of Food Control Officials and F. I. D. 75 and 76, which we promise our readers in our next issue.

## THE PEOPLE'S LOBBY.

Some time ago Henry Beach Needham, a magazine writer, Robert McDowell Allen and a few other celebrities, constituted themselves into what they are pleased to term—"THE PEOPLE'S LOBBY."

Lobbyist Needham on invitation of Lobbyist Secretary Allen read a paper at the recent convention of Food Commissioners, in which he exposed the purpose and plans of this so-called people's lobby, and told of some of its achievements. Notoriety is, of course, a necessity to the financial success of such a movement, but we nevertheless thank the lobbyists for such knowledge of their activities as they see fit to divulge. These men are connected with no bona fide organization seeking the public good, are required to make no reports or accounting, and are responsible to no one for their acts, their positions, or the valuation they put on their services and are in a position to consult their own interests exclusively.

Nothing in Mr. Needham's paper convinces us that there is such a crying demand for a people's lobby. A few penny thrillers on the outside of the political breastworks and now and then a semi-respectable magazine, will attack the character and integrity of our representatives in Congress. It sells papers. Like every large body of men it is possible that some of our Congressmen and Senators may not be at all times actuated by the highest motives, but we venture to think that these men are as nearly true representatives of the people as could be picked by any other process, and certainly would likely be an improvement on volunteer Representatives and Senators of Mr. Needham's

ilk. These regularly nominated and elected statesmen owe their positions, their power and their future preferment to the voters. They certainly are apt to be quite alive to their interests.

It is true that special specific information is often desired by congressional committees while considering proposed legislation. At this time the classes and the masses, the man whose business is affected, as well as representatives of that portion of the community which is expected to profit by the proposed legislation, have a right to be heard. Where personal testimony is needed these interests and these communities may be expected to look after their own interests; and they may do so. Since John Quincy Adams silenced the opposition, the humblest citizen has not only the right to appear before committees but the privilege of petitioning in open session the highest lawmaking tribunal on earth. But Mr. Needham says the *need* of this lobby lies in the fact that so many *lies* emanate from Washington. He says the press correspondents as well as the Congressmen are corrupt and intimates that the public should be supplied with facts filtered through Mr. Needham's people's publicity bureau. Anyone who will swallow this venomous poison will likely take the proposed antidote.

There is a large army of newspaper men in Washington, particularly during congressional sessions. Every daily paper of importance has a special correspondent on the ground. Each of these men must sustain the reputation of their publications with respect to furnishing immediate, reliable and complete records of the day's transactions.

That this large gathering of the brainiest, most talented and best paid literary men in America should lend themselves to the mechanisms of the devil by sending out tainted news is beyond belief. That we should be asked to label as false the news gathered by these correspondents in behalf of several hundred daily papers and accept as truth the doctored emanations from Mr. Needham, Mr. Allen et al, who are without backing, without responsibility, without even reputation for veracity, would shock the credulity of the Chicago man who invested fifty cents to watch the Masonic Temple turn around.

The only virtue possessed by this combination, outside of their effrontery, seems to be their appellation. "The People's Lobby" sounds only half bad. To be sure the name is of their own selection and was not conferred upon them by their admiring countrymen for gallant services in the people's cause. Theirs is purely a self-created and self-styled people's lobby.

All the time, more or less, but particularly when political campaigns wax warm, each perspiring candidate for office poses as a particular friend of the dear people. Each and all proclaim themselves the *people's* choice. One particular political party of dubious renown indeed enfolded the magic name in its own. It



is also the favorite name of snide stores, unsafe banks, unsecured investment companies and in fact all enterprises that must catch you before they fleece you. The crimes committed in the name of liberty probably would not equal those committed in the name of the people. But we are beginning to take such things at their actual rather than their face value. We surmise that this will be the case with the people's lobby.

We are in perfect sympathy with Mr. Needham's claim that false, unreliable and sensational statements are often sent broadcast from Washington. This state of affairs, however, is not the fault of the Congressmen or the newspaper correspondents but of some of the heads of bureaus and governmental departments at Washington. This line of talk too is, as a rule, on subjects outside the ordinary purview of the average newspaper writer, such subjects, for example, as "Artificial Lamb Chops," "Artificial Comb Honey," etc.

The instance of unreliable news cited by Mr. Needham was that of an alleged fictitious interview with Dr. Wiley, in which he was made to qualify his widely circulated statement that 85 per cent of the whisky of the country was adulterated. Of course, the statement was not, and is not, true. If Dr. Wiley had said that 85 per cent of the whisky of the country was misbranded he might have secured the corroboration of Attorney-General Bonaparte, and the bottled-in-bond interests. Whether or not the retraction was authorized on which point the statements of Mr. Smith the correspondent in the case and Dr. Wiley are contradictory, there can be no question but that it ought to have been—not so much in defense of any variety of—whisky as of the party responsible for the misinformation.

Instead of being an illustration of the need of purification of the channels through which news reaches the public, the instance cited by Mr. Needham is rather an illustration of how the stream is polluted at its source. If Mr. Needham and his lobby could have gathered the courage to contradict the scientific pleasantries which were so industriously circulated to force a sentiment for a particular National Food Law, they would have performed a notable public service. Surely plenty of need exists for proper governmental control of the sale of foodstuffs without entering the domain of fiction for illustrations.

Among the noteworthy performances of the people's lobby is given the Attorney General's interpretation of what constitutes "a blend of like substances." It was explained that the lobby was not so much interested in the labeling of particular varieties of whisky as in the fact that if a blend was defined as a mixture of like substances and like substances were substances resembling one another in one or more particulars, that mixtures of maple sugar and cane sugar might be construed a "blend." Therefore, they welcomed the reasoning of the Attorney General interpreting the

law as they thought it ought to have been drawn. Indeed, they take to themselves the credit of hatching the decision, which may or may not have some foundation. Such camp followers as these must claim credit for all that has been accomplished as a basis for its appeal to the public for contributions or to the tradesmen for tribute.

It is strange how the people's lobby seems to be mainly interested in the whisky controversy. From what little we hear of it the several gentlemen might better have labeled themselves the "bonded liquor lobby."

It is also a curious fact that at the Food Commissioners' Convention, while Mr. Needham was emphasizing the need of his lobby because tainted news had been circulated, Secretary Allen, another charter lobbyist was giving out to the associated press a bogus set of resolutions which he represented as having been adopted by the convention and which were so innocently published by all the metropolitan papers in this country. The bogus part of these resolutions also related to whisky, whereas the subject was not mentioned in the report of the Committee on Resolutions. Not much better, however, could be expected of the man who swore before congressional committees, that the Second Portland Convention of the Interstate Food Commission took no action in regard to food standards.

With the eminent men with versatile pens and a warmed-over knowledge of food affairs and food conditions in this country we have little controversy. By proclaiming the representatives in the United States Senate and House of Representatives, the press correspondents, and the great body of food manufacturers of this country, to be dishonest and tricky, and only themselves to be trustworthy and by being able to make a considerable portion of the public feel as suspicious as themselves, they may feel satisfied that they belong to the class of "useful citizens."

It is to be regretted that the ring leaders in this movement have drawn into it to the extent of allowing their names to appear as sponsors a half dozen men of good reputation. Unfortunately many personally upright men lend their names to any movement which has the exterior appearance of reform without a full and complete investigation of what underlies the lion's skin, and thus allow themselves to be used as catpaws to pull the golden chestnuts from the fire. Through Secretary Allen the lobby was in hopes to get the active endorsement of the State Food Commissioners. In this, however, they have failed. As the Roentgen ray of investigation is turned upon the "People's Lobby," showing the bare bones of its real aims and purposes and how and why it was formed, it is probable that the movement will not enlist farther support from prominent men or from bona fide organizations working to advance the cause of pure food in America.



# THE ELEVENTH ANNUAL CONVENTION OF THE ASSOCIATION OF STATE AND NATIONAL FOOD AND DAIRY DEPARTMENTS.

Strange to relate the last convention of the Association of State and National Food and Dairy Departments did not make the usual annual change of name. Perhaps the weather was too hot.

The Washington, D. C., contingent, of course, accustomed to walking on melted asphalt pavements under a broiling sun did not suffer so much from the heat, but the last name satisfied them. The others were content to swelter in the hall, listen as listlessly as possible to the reading of the papers while offering up a short prayer for preservation until they could reach a cooler clime. Each and every one took a solemn vow after that taste of future punishment to thereafter lead exemplary lives. The next food convention in Jamestown within the memory of contemporaneous men will be held during the winter months or during a glacial epoch. The members were so tickled (?) to find the convention advertised for one place and held in another about a mile distant. A mile in Norfolk conveys a misleading meaning. A Norfolk mile is a nautical mile at one end and a day's journey at the other.

The slim, wiry politicians stood the trip fairly well, but those true exponents of pure food carrying an excess of adipose tissue wilted by the way and said several things not altogether complimentary of the secretary.

One little failing of the industrious secretary is that he swamps a convention with addresses. At Hartford last year and at Jamestown this year, if one-half the people listed on the program had been present the program could not have been completed in a week. As it was, there was no time, even had there been a disposition, to discuss papers.

Commissioner Flanders of New York, indeed, tried to enliven up the Hartford convention by a few remarks on papers, which remarks were squelched in the convention and garbled in the report of the proceedings, but at the recent Jamestown meeting there was nothing doing in the extempore line.

The papers were read as if a part of their weekly work or as a routine that must be gone through in order to attend the exposition. Perhaps time did not permit discussion; perhaps it was too hot; perhaps the members thought their remarks would not be correctly reported; perhaps they were afraid they would be; at any rate, the papers, most of which were reeled off in monotonous monologue, created no discussion, enlisted no applause. No important business was transacted. Urging uniformity of state laws with national laws the state food commissioners really favored independent statutes. In this line, however, they contented themselves by condemning only the guarantee clause in the national law.

The only other business of the association—the adoption of the report of the Standard Committee—was done blind-folded. If a convention will adopt a report containing such important matters as standards of quality and strength for food products without knowing anything about the standards it shows supreme confidence in the Standard Committee, or is an evidence of ring rule and wire pulling which would put to shame a country political caucus.

However, the food commissioners showed more in-

dependence at this meeting than at the Hartford convention. The next convention may be more than a puppet affair where each performer takes his cue from a string fastened to the Bureau of Chemistry, Department of Agriculture.

## HON. FREDRIC S. DUNLAP, MEMBER U. S. BOARD OF FOOD AND DRUG INSPECTION.

Mr. Frederic S. Dunlap, acting chairman of board of food and drug inspection, was born in Chillicothe, Ohio, May 16, 1870.

Graduated from high school in 1888, and in the fall



of 1888 entered the Ohio State University at Columbus Ohio. He spent one year in that institution. In the fall of 1889 he entered the University of Michigan and after three years obtained a B. S. degree.

In 1892, after graduating from Michigan, entered Harvard University and took advanced work along chemical lines, doing research work under direction of Prof. Charles L. Jackson one year, and under Prof. Henry B. Hill for two years. During the latter two years he acted as Prof. Hill's assistant, having charge of the organic laboratory, so far as the work in organic preparation was concerned. He also taught in the Harvard summer school during the three years corresponding to the three years he was a student in the college.

In 1895 Dr. Dunlap received the degree of D. Sc. from Harvard, and that fall entered Yale University as a University Fellow and spent one year in that institution in the Kent Chemical Laboratory, under the direction of Prof. F. A. Gooch.

In the fall of 1896 he was called to the Worcester Polytechnic Institute at Worcester, Mass., to start the



work in industrial chemistry, where he remained four years.

In the fall of 1900 he went to the University of Michigan as instructor in general chemistry, but after one year became instructor in analytical chemistry.

He remained in the University of Michigan until appointment on the board of food and drug inspection at Washington and when he left the university was assistant professor of analytical chemistry. Dr. Dunlap takes charge of a new work at a critical period. The American Food Journal wishes him success and will lend its aid and encourage him in every way in its power, where it can do so without violating its own principles of equity and justice.

### **"THE EFFECTS ON THE HUMAN SYSTEM OF LOUISIANA MANUFACTURED SYRUPS AND MOLASSES."**

The first experiment made in this country to test the effect of sulphites used in food on the human system has just been completed and the results published by the Louisiana Experiment Station. Several artificial digestion experiments have been made and very positive conclusions have been drawn by some of our leading agricultural scientists without the benefit of experimental or other reliable data. These opinions and conclusions have been incorporated into criminal laws. Therefore, even one actual, unprejudiced and apparently reliable experiment throwing light on the point will be appreciated.

The experiment was conducted by the Louisiana Experiment Station, with the co-operation of the Louisiana Board of Health. The United States Department of Agriculture was invited to co-operate in the work but declined.

The subjects were twelve negroes selected from those serving short sentences in the parish prison.

The diet, in addition to the regulation diet, consisted in one case of genuine cane syrup containing .04 per cent sulphites; in another, of open kettle molasses containing .016 per cent sulphites; in still another of molasses increased with sodium sulphite to .050 per cent sulphite, and of molasses from the vacuum process containing .092 per cent sulphite. The experiment extended over five weeks—the first and last week without molasses or syrup, and the three intermediate weeks with the syrup and molasses ad libitum. The total amount of molasses consumed varied from 2,523 to 8,853 gms. per man. The physical condition, the weight and blood examinations were made on each subject every day of the test.

In the summary of this test and in the conclusions drawn thereon, a strong point is made of the fact that the substances were not fed in capsule, but as actually found in the food; also that the subjects were kept in ignorance of the presence of sulphites in their food and consequently there was no tendency to produce unnatural mental conditions by anticipation of harm resulting from eating the syrups.

The following conclusions from the experiment were thought thoroughly justified by the experiment station officers and those in charge of the experiment—R. E. Blouin, Dr. P. E. Archinard and J. A. Hall, Jr.

#### **Conclusions:**

1. "From a practical standpoint the experiments on molasses feeding were carried on for a sufficient length of time and on a scale large enough to test the effects of these foods on the human subject in ordinary health.

2. "We believe that our mode of examination is the fair-

est way to test the effects of substances on the human subject under natural conditions, for here we had a large number of docile and ignorant men who did not know what was expected of them, were neither frightened nor awed, and put in the same condition as persons who partake of molasses as a food, eating of the same according to their taste and liking, and the effects on them carefully and faithfully noted from day to day and week to week.

3. "As in none of our cases were the body functions interfered with, in each one the body weight increased, and as the blood steadily increased in number of red blood cells, in the percentage of hæmoglobin, etc., it must be admitted that these subjects were gaining in health and neither doing nor taking anything prejudicial to their physical well being.

4. "A careful survey of Table XX, on weights, and of Tables VII to XVI, on blood examination, will satisfy anyone that the subjects gradually improved in weight, body functions and blood conditions, notwithstanding the fact that during Periods II, III and IV they daily took a considerable quantity of syrup or molasses containing appreciable quantities of sulphur as sulphites.

"Reference to Tables III, XIX, XX, and VII to XVII, will demonstrate that the amount of molasses consumed, although in some instances very large, does not seem to have had any deleterious effects on the functions, weight and blood condition of the subjects, but rather to the contrary.

"We are, therefore, free to conclude that molasses feeding, even when said molasses contains as high as over 900 milligrams per kilo of sulphur as sulphites, can be carried on under ordinary circumstances without prejudicial effect to health."

### **HON. A. C. BIRD.**

We reproduce on our front cover the photograph of Hon. A. C. Bird, Dairy and Food Commissioner of Michigan. Commissioner Bird is now serving his second term as State Dairy and Food Commissioner. His education and training were exceptionally good for this position. He graduated from Michigan Agricultural College in 1883 with the degree of B. S., and has had conferred upon him the honorary degree of M. S. from the same institution. He was for three years secretary of the board of trustees of the Michigan Agricultural College.

Mr. Bird is a manufacturer and also a farmer. He is interested in several printing and publishing establishments and other commercial enterprises, and also in real estate. He is 43 years of age and just beginning his career of usefulness.

### **SECRETARY WILSON COMMENDED.**

The Washington Post of July 21 contains a bright and eulogistic writeup of James Wilson, Secretary of Agriculture—Tama Jim as his friends call him. This paper credits him with developing a joke into a most useful department of government.

"There are refreshing things about 'Tama Jim' in this age of kow-towing to the powers that be. He bends the knee to nobody, not even to Roosevelt. He never antagonizes anybody recklessly, and never surrenders his opinion to anybody. And in a fight he is a holy terror, for he fights as craftily as he fights boldly."

The most popular secretary of agriculture is now 72 years of age, has held the office 10 years and is likely to retain his position as long as a republican president holds the reigns of power.

### **FOOD & DAIRY COMMISSIONER WHEATON OF SOUTH DAKOTA ENJOINED.**

Commissioner Wheaton has been sued by the International Stock Food Co., of Minneapolis, Minn., and has been enjoined from enforcing the provisions of the stock food law of that state.



ADDRESSES DELIVERED  
AT THE  
Eleventh Annual Convention  
OF THE  
Association of State and National Food and  
Dairy Departments  
At Jamestown Ter-Centennial Exposition  
July 16th to 19th, '07

**PUBLICITY IN THE ENFORCEMENT OF PURE  
FOOD LAWS.**

BY HON. EDWARD K. SLATER.

State Dairy and Food Commissioner of Minnesota.  
One of the most effectual weapons in the hands of a dairy and food department is publicity. The work of a dairy and food department vitally interests every man, woman and child in the state. If it were not for this fact it would not



HON. EDWARD K. SLATER,  
Dairy and Food Commissioner of Minnesota.

be necessary to employ publicity in order to do effectual work.

While a food law only directly effects dealers in food produces every citizen of the state is vitally concerned with results obtained through the enforcement of that law.

The proper enforcement of a food law depends upon the police authority enjoying the hearty co-operation of those engaged in commerce in food stuffs in the state. This co-operation can be obtained only through an active interest in the question of pure foods, and the only way to arouse the interests of those who are engaged in the business is through publicity.

The Minnesota Dairy and Food Department has followed

the plan of issuing bulletins which have been sent to the newspapers of the state. These bulletins have not consisted of a detailed report of the laboratory analyses, but on the contrary have been made as readable as possible so that the layman might understand something about the work of the department. We have realized the fact that in order to induce the newspaper publisher to give our bulletins free space in his paper, that it was necessary to issue something that would be both interesting as well as instructive. The results gained from this sort of a campaign have exceeded our fondest expectations and it is our intention to enlarge upon this branch of the work in the future.

Never before in our history has the pure food question received so much attention as during the past two years. Magazine and editorial writers have vied with each other in furnishing the reading public with figures and facts regarding the pure food question. Lecturers and statesmen have devoted more time to its discussion, perhaps, than in the twenty years previous. It has been talked over at clubs, public gatherings and around the fireside.

Even the men with the "muck rake" have had their turn at denouncing the purveyors and adulterators who have been waxing fat at the expense of the consumer's stomach and pocketbook.

Such discussion and publicity are bearing fruit, and nothing can now prevent the growth of the sentiment which has been aroused in favor of legislation and its strict enforcement, which will eventually drive dishonest dealers out of the business entirely in every state in the Union.

As a rule, the producer of any article of commerce aims to produce what the consumer calls for. Further than this, many producers will produce just as poor an article as the consumer will be satisfied with. The consumers of this country have been encouraging the dishonest producers of food products by holding out the greatest temptation they could have possibly tendered him. What is this? Simply the entire lack of interest they have displayed in the great question for so these many years.

Can any one successfully dispute the assertion that the agitation which the life insurance question has received lately will result in more careful and systematic conduct of life insurance companies? It can have no other result. Will not the investigation of campaign contributions by interested corporations result in partially purifying campaign funds? It certainly must. And, again, will not the result of the "muck rake" as applied to the packing house industry be for good? It has already resulted in national legislation which is calculated to revolutionize the whole business.

What is the secret? It is simply publicity. The perpetrator of a wrong fears publicity worse than any other weapon known to man. This applies as well to corporations as to individuals, and the more prominent the victim the greater the punishment. The greatest fear which the producer, who is defrauding his customer, can possibly entertain, is the fear that something may occur which will inform his victim, and his intended victims, as to the conduct of his business. Such information can only reach them effectually through publicity and the battle is already on. The weapon of publicity as applied to the pure food question has only been generally taken advantage of during the past few months, and now that such



handsome results are already apparent, this weapon will undoubtedly be continually used in the future.

As an illustration of the effect of publicity in the work of enforcing pure food legislation, it is well to call attention to a case which came under this commission's direction and observation during the past few months. An outside manufacturer of spices flooded the state with spices which were guaranteed to be absolutely pure. The price should have been an indication to jobbers and retailers that the goods were of inferior quality, but many caught at the bait. Samples of these spices were analyzed and bulletins sent broadcast over the state warning dealers and consumers as to the quality of the goods. The manufacturer refused to stand by his guarantee and has, it is believed, shunned the state since. He ventured the information, through a communication, that his firm did not wish to do business in a state where the department used such methods in carrying on the work. Attention is merely called to this one case to demonstrate the power for good in the plan of publicity in dealing with dishonest food manufacturers.

People who have heretofore given the question of purity in our food products little or no thought whatever, are beginning to take interest in the question. They have heretofore accepted whatever the producer has tendered them, and have asked no questions, relying entirely upon the honesty of the many men who, perhaps, have been interested in getting the product into their hands.

Consumers of food products in Minnesota are acquiring the habit of asking the men from whom they purchase their food supplies regarding the purity and wholesomeness of the goods they are buying. They are acquiring the habit of examining the labels on packages of food products in order to learn the quality of goods and in order to ascertain if they have received the quality they have paid for. They know that the state law prohibits misstatements on the labels.

This increasing interest on the part of consumers is one of the hopeful signs of the times as applied to this question. Retailers who have heretofore evidenced little or no interest in the question have been forced to give it more thought. Every retailer depends upon the satisfaction of his customers for success in business, and when they begin to take interest in the question of pure foods, and the correct labeling of packages, he must give it more attention.

When the consumer will only be satisfied with a "square deal," the retailer must furnish him with this kind. He becomes more insistent with his jobber, and the jobber in turn is compelled to watch his labels more carefully and to insist upon purity from the manufacturer.

#### **POSSIBLE ACCOMPLISHMENT BY INDEPENDENT CITY ACTION.**

BY W. P. CUTLER, M. D.,  
General Food Inspector, Kansas City, Mo.

Kansas City, U. S. A., has for its motto "Make Kansas City a Good Place to Live In" and to that end believes, among other things, in a pure food law honestly and faithfully enforced.

Kansas City is really a dual city, lying in two states, 300,000 population in Missouri and 100,000 in Kansas.

All of the packing houses where meat is killed is on the Kansas side and these being under national inspection, leaves practically nothing of anti-mortem inspection for the local department. Post-mortem inspection is maintained by the local force on the block in the 611 meat shops on the Missouri side. All inspection work here referred to is in Kansas City, Mo.

An ordinance was passed last fall which became effective January first. This, at the request of the jobber, was made as near a copy of the national law as possible, consistent with local administrative needs. The first section of the local ordinance is a copy of the same section of the national law except that in the one case the fine is much less and no imprisonment is possible.

Section 2 of the local law provides that "any person who shall within the limits of Kansas City sell or offer for sale or have in his possession for sale in Kansas City any article of food or confectionery which is adulterated or misbranded within the meaning of this ordinance shall be guilty of a misdemeanor and for such offense be fined not exceeding one hundred dollars."

It is provided that the examination of specimens of food or confectionery shall be made by the Inspector of Food or under his direction and supervision and he is required, when any specimen is found to be illegal, to give written notice to the one from whom the sample was obtained. If any person,

after such notice, shall violate any of the provisions of this ordinance then the inspector of food shall certify the facts to the city attorney for prosecution.

Sections six to nine are identical with the national law and properly so for the reason that the local jobber is not now harassed by a difference between the local and national law, under both of which he has necessarily to act.

The ordinance provides that "whoever offers, exposes or has in his possession for sale to dealers or consumers in Kansas City, Mo., any article of food, shall, upon application of the Inspector of Food or his assistant or agent, upon tender of the value thereof, furnish a sample sufficient for the analysis of such food."

"Whoever is convicted of a refusal to sell such sample as provided herein" is to be fined "for such offense not less than five dollars nor more than fifty dollars."

The department of food inspection is composed of a chief inspector and three assistants, together with a city chemist and one assistant.

Two of the assistant inspectors daily secure milk samples from grocers, milk wagons; and dealers and inspect meat shops, there being no slaughter houses to inspect, the packing houses killing the meat consumed in Kansas City.



**DR. W. P. CUTLER,**

General Food Inspector Kansas City Board of Health.

The other assistant gives his time to the inspection of bakeries, hotels, restaurants and confectioneries, and all three bring in, by direction of the chief inspector, or if there is any cause for suspicion, food samples for analysis. These samples are placed in the hands of the city chemist, accompanied by a blank filled out with all the information obtainable. When the result of the examination is known, the chemist reports on this same blank to the chief inspector, who if the law has been broken at once serves legal printed notice, setting forth the particulars on the one from whom the article in question has been received. If after 5 days, steps have not been taken to obey the law, a warrant is sworn out and the offender within the jurisdiction of the city is prosecuted before the police judge. I should have said this would be the procedure but since January 1 last, when the law went into effect, no prosecution has been necessary, for the reason that the legal notice required by our law gives the offender an opportunity to notify his broker or jobber, who in turn notifies his manufacturer and the latter furnishes stickers to make the label read right or has the goods returned to him except where he does not understand what is required, when he sends a representative to Kansas City, for example: Recently the food inspection department began the investigation of corn starch. Out of ten samples examined, eight were found to contain sulphites.

According to the requirements of the local law, legal notices were mailed to the ones from whom the illegal samples were obtained. In a short time the broker of one manufacturer called up and asked the chief of the department if he would see the chemist of the concern. This incident illus-



trates the manner in which the local law operates in getting at the real offender. That is to say: The local dealer is responsible under the law for selling goods not legal, for the reason that the city has no jurisdiction over any one else unless the manufacturer is a local one.

The dealer, on being notified, naturally informs his jobber who gets in touch with the manufacturer immediately. It is the experience of the local department that the original seller will nearly always send a representative to Kansas City to talk the matters over and learn of the requirements, which are in accordance with the national in so far as these latter may be known. When the representative of the manufacturer has had a complete understanding of what is necessary, almost invariably the condition is met and the dealer has no further trouble.

Up to the present time, it is proper to remark, that in no single instance has it been necessary to prosecute an offender under this portion of the food laws, the prosecutions having been against milk dealers, ice cream manufacturers and meat dealers alone under other ordinances. The jobbers have almost uniformly promptly placed themselves in line, one large concern having employed an able chemist who has oversight over all food stuffs purchased. It is believed that the jobbers are careful to see that their goods are in line with the national law before they are purchased, knowing that they will conform to the local law if this is so.

One evidence that the local law was needed was that one large retail grocer believing that the local law would not be passed bought fifteen carloads of can goods very cheap, which he was compelled after January first last to provide stickers for. If there had been no local law, these goods would have been salable in Kansas City as they were received before the national law became effective and all local packers, jobbers and manufacturers could have continued to sell questionable goods without restraint as long as they did not go out of the city.

Up to the first of last February it is doubtful if 10 per cent of the so-called maple syrup sold in Kansas City was other than adulterated with no information of this to the consumer, now if a can contains maple and cane syrup or glucose, it says so on the label and this is true of all other lines, notably extracts, olive oil, and bottled drinks and vinegar.

Coal tar dyes are not forbidden but where used in candies a card bearing the legend "Some of these candies are colored with coal tar dye and artificially flavored," the latter words when synthetic flavors are used, are required to be placed in the cases from which candies are sold. The department has endeavored not to be arbitrary and has made each article of food a study to the end that justice to all might be done. For example, a special law provides that nothing containing sulphites can be sold. Some dried fruits were found to contain this objection, but when the pies made from such dried peaches and raisins were tested no sulphites were found, the conclusion being that the cooking process dispelled the sulphites. The fruit was also stewed with the same result.

As for other details of inspection under ordinances not covered by the law above referred to it may be remarked that effective work is done by the third assistant in the inspection of bakeries, restaurants, hotels and candy factories. Of course one man cannot cover the ground completely but the work as carried on is very effective. The inspector is an expert baker and therefore knows what clean linen means as well as where to look for adulterations in cooked food and candies. All earths in candies formerly extensively used for filler and color are no longer used in Kansas City and more real fruit flavors are used instead of the synthetics as formerly.

As an example of the work accomplished by the department the following is the report for the month of June:

- 716 Meat markets inspected.
- 218 Pounds of beef condemned.
- 65 Pounds of miscellaneous meat condemned.
- 25 Places ordered cleaned.
- 680 Pounds of fish condemned.
- 348 Restaurants, hotels, bakeries, etc., inspected.
- 16 Places ordered cleaned.
- 10 Pounds of dirty candy condemned.
- 42 Crates of berries condemned.
- 72 Crates of peaches condemned.
- 10 Dozen boxes of sardines condemned.
- 51 Heads of cabbage condemned.
- 382 Milk samples secured.
- 47 Arrests made for selling impure milk.
- 23 Samples of food brought in to be analyzed.
- 6 Notices sent out to properly label goods.

In the matter of milk inspection Kansas City has taken

advanced ground. Two men spend the forenoon of each working day securing samples which are brought into the laboratory under seal, these are at once placed in the Babcock and if any show less than 3 per cent butter fat, the result is verified by Soxhlet extraction, and if still short of the 3 per cent standard a vigorous prosecution is instituted before the police judge, who has given splendid support in all cases brought by the department.

Milk inspections cover milk, cream, buttermilk and ice cream. The ordinance forbids less than 3 per cent butter fat in milk, 14 per cent in cream, and 12 per cent in ice cream. Anything less than 12 per cent in the latter must be labeled ice milk. All preservatives are forbidden as well as added water. A Zeiss immersion refractometer is used to detect the latter and the court is very severe on all such offenders. Milk samples are secured not only from the milk man who lives in the country and cannot be prosecuted except as he is caught in town, the wholesaler who buys wherever he can get his milk, but also from the grocer who is the small distributor usually by the pint or less to the poorer customer. The latter in the belief of the department needs most protection since the child of this parent is often dependent on the milk there purchased for food. Most of the cases of added water, short in butter fat and added preservatives are secured from the grocer, small baker and confectioner. Whether these latter are the real offenders or not they are the ones fined when their samples are illegal, unless they can show to the satisfaction of the court that the wholesaler or milk man under the jurisdiction of the court is the real offender.

The fine imposed is often paid by the dairyman or wholesaler, or by the man out of town who otherwise could not be reached. It is believed that the one thing needed to make Kansas City the best city to live in in the matter of food next to an enlarged inspection force would be to place the department under civil service.

### COMMISSIONERS' RULINGS.

BY A. C. BIRD,

Dairy and Food Commissioner of Michigan.

The great object in the regulation and control of foods and drinks is to protect the consuming public against, first, what may be termed harmful, and second, what may be termed fraudulent, adulterants or substitutes. Success in this branch of public service, national or state, is measured by the effectiveness with which protection is secured. From the commissioner's point of view, and it may be fairly assumed from the consumers' point of view as well, all food legislation should be enacted with this thought of effectiveness always in mind. The consumers have a right to demand this much from the law and the manufacturers and the dealers have no valid claim to any special protection until that point, the point of efficient protection, has been reached. The vital question then is simply this, what is the shortest, safest and most simple way to effective protection in food regulation and control?

The three factors entering into this problem are—the written law, the interest of the consuming public, and the administration of the department at the hands of the commissioner. Each is an essential element and the three are mutually interdependent. Through an interesting evolution of events the second of these, that of the interest of the consuming public, is now at nearly as high a stage of development as should be expected among our people and for the purposes of this discussion need not again be referred to. The first and the last, however, the law and the commissioner, and their proper relation the one to the other, are the essential and yet the varying factors of this great problem of efficiency in the regulation and control of the food supply of our people, and as such they are deserving of our best consideration.

Were these two factors—the law and the administration of the law—constant in their relation toward each other the problem would be rather simple. But the fact that in the natural progress of events, new conditions arise with the dawn of each new day, renders it imperative if effectiveness shall be perpetuated, that somewhere there be established sufficient flexibility, supported by ample discretionary power, to adapt the plain, general intent of the law to these new conditions. And it is this necessity, the necessity produced by constantly changing conditions, which has forced upon the commissioners the exercise of that power of broad and liberal interpretation of the written law known and set forth as commissioners' or department rulings.

It is this power exercised by the commissioner which makes workable and which makes practical the written law, and without it and its exercise efficiency would be only the matter



of the moment, soon to become the victim of the dishonest manufacturer or the dishonest dealer. That commissioner who most promptly, most judiciously and most firmly exercises this power will most successfully accomplish the task set for him to do. And it is in defense of the broadest exercise of this power of the commissioners to interpret the written law, yes, if necessity demands, even to temporarily supplement the written law, that I am here to-day. Effectiveness of administration demands the exercise of this power and the courts ever stand ready to check its abuse.

This position makes quite necessary a brief discussion of the law and the real mission of the law as applied to the work of the commissioner. In speaking of the law and its mission it will be my earnest endeavor to keep in mind the manufacturer and the dealer as well as the consumer and the administrative commissioner.

I believe that food law to be most effective which confers its power in the most general terms, and relies upon good judgment, the honesty of purpose and the comprehension of the commissioner upon whom it confers its power for detailed application. To illustrate: I had rather trust in the efficiency of, and I believe the public would be protected better by, a law which prescribes that "Whenever it shall be determined by the food commissioner that filthy or unsanitary conditions exist, in the operation of any bakery, confectionery, ice cream plant or in any place where food or drink products are manufactured, stored, deposited or sold for any purpose whatever, etc.," than in and by a law which attempts to describe either what should or what should not be considered insanitary or filthy conditions. I had rather trust for efficiency to a statutory requirement of general purity than to a specific formulae, which while possibly resulting in uniformity of strength permits the introduction of diluting elements for the purpose of reducing the strength to the standard required, but the introduction of which so complicates the work of the analyst that the nature and source of the original and essential ingredients are left uncertain. In other words that food law is best adapted to the requirements of efficient administration which demands least in detail and most in general, and which leaves the adoption of the general requirements to the commissioner's rulings.

My chief reason for taking this position is that conditions of administration are continually changing. That law which is specific in detail must be applied to and enforced upon the honest and progressive manufacturer as well as to and upon the dishonest. While it may not work any unreasonable hardship at the time of its enactment, new conditions may arise at any moment which make absolutely necessary a modification of its requirements. Food laws are the creations of legislative bodies and when specifically mandatory in detail they may long demonstrate their inefficiency to protect the power which creates has the opportunity, or more aptly stated, embraces the opportunity, to amend or repeal them. On the other hand, the commissioner by rulings, by interpretations, even by supplementary applications of the general principles of the law, is enabled at all times to make operative and effective the real intent of the law making body. Given a broad, general food law upon which the department is established and a thoroughly equipped commissioner to determine its application through definite and explicit rulings or interpretations, and you have an administration effective in its protection to the consumer and to the honest manufacturer and dealer as well.

I shall not here discuss the thoroughly equipped commissioner except to answer the possible objection of the honest manufacturer or dealer who fears that food commissioners in general do not have a proper conception of the manufacturers and dealers' point of view. My answer to that possibly raised objection is based upon my personal experience both as a business man and manufacturer and as a public official as well. For a good many years before assuming the duties of my present official position I was engaged in manufacturing, though not of food products. I have continually added to my manufacturing interests until at the present time outside of my official duties as dairy and food commissioner, my life is that of a manufacturer in the city in which I live. And it is my every day contact with the owners and managers of more than one hundred manufacturing plants aside from my own, some of them engaged in the production of foods and drinks, that leads me to feel that I can speak somewhat authoritatively in what I am about to say.

There is no doubt but the average manufacturer and business man is decidedly suspicious of the business comprehension of the average public official, especially insofar as that public official has to do with his own particular line of business. On the other hand, the average manufacturer is a man

of broad attainments and of open mind who warmly welcomes any and all evidence that he is mistaken in his estimate of the public official.

As applied to those at present in control of food regulation, that this suspicion exists at all, I believe to be due largely to the fact that the manufacturer and the official do not know each other as they ought; and for this condition I believe the average commissioner is more to be blamed than are the manufacturers. The thoroughly equipped commissioner ought if necessary to force himself and his work upon the manufacturer and the dealer. He should demonstrate to them that he does understand their side of the questions involved and above all he should convince them that insofar as the effect of the new department or commissioner's rulings upon their business is concerned, he is even a better judge than are they. This is not so difficult as at first would seem for it is only natural that the properly equipped commissioner who is constantly giving his best thought to the proper relation between his department, the public, the manufacturer and the trade should be the better judge of the two, and when this fact is presented in its proper light the manufacturer is not slow to recognize the fact.

From a personal point of view the chief delight of my administration of the Dairy and Food Department of the State of Michigan is the ease with which I am able to convince the honest manufacturer of and the jobber in food products that my judgment as to the effect of new administrative policies upon their markets is better than their own. By this simple means of getting into close personal contact with those whose greatest business interests are along the lines of the production and the marketing of foods, I have without exception, so far as I have been able to determine, secured for the department the active co-operation of every honest manufacturer and dealer in the new departures which have been made.

The manufacturers and the dealers will be the first to recognize business comprehension in the commissioner and with that recognition their suspicions are soon forgotten. It is one of the most important duties of the commissioner to as speedily as possible convince all those interested in reputable production of and trade in food products that in him and in his department they have a most appreciative, a most comprehending, a most powerful and a most efficient friend. When this relationship of mutual confidence is established the administration of the department is a long way on the road to success, for the support of the honest business interests is no small factor in waging war against the dishonest; and with the gaining of their confidence and their support there will be removed the strongest of the opposition to general legislation and freedom of department interpretation. When this is accomplished there will be removed much of the virtue in the demand for uniformity of food laws. Uniformity, in my opinion, is a consideration that belongs more properly at the resulting end of food regulation than at the law enacting beginning. How to secure uniform results, rather than the adoption of uniform methods, is the real problem before us and the liberal use of discretionary power in the interpretation of the general statute by the individual commissioner, in accordance with the conditions with which he is surrounded, that, and that alone, will secure such uniformity.

The tendency of the courts, state and federal, seems to be toward recognizing the right and the propriety of delegating detailed legislative power. The hands of the administrators of law are being consistently upheld in their exercise of discretionary power, and this fact of itself speaks well for the new policy of legislative bodies to transfer or delegate the responsibility for details to administrative shoulders.

In other words, department or commissioner's rulings are but the application of the general principles of statutory enactment to the specific problems confronting us day by day in our work. Your problem of to-morrow may or may not be what you anticipate, but one thing is certain, it will not be mine, nor will mine be yours, and it is only by exercising the widest freedom of interpretation of the law under which we are working that these constantly changing conditions can be met.

Ours is the same problem that confronts the business man in the control of the conditions which surround him, and we ask for and require the same opportunity for initiative, the same latitude for the exercise of our judgment that is demanded by him and that is unquestionably accorded him by his associates. It is the exercise of this power, and that alone, that develops in the commissioner that comprehension of business requirements and business conditions which is so properly demanded by the manufacturers and by the trade



in general. It is the commissioner's opportunity to broaden himself and keep in touch with, and to be recognized as a factor in, the business world, and he who exercises it most freely and most wisely will, other things being equal, accomplish most.

### REPORT OF PORT-INSPECTION WORK.

BY R. E. DOOLITTLE.

"Section 11 of the food and drugs act, June 30, 1906, provides that:

"The secretary of the treasury shall deliver to the secretary of agriculture, upon his request from time to time, samples of foods and drugs which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the secretary of agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drug offered to be imported into the United States is adulterated or misbranded within the meaning of this act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into,



DR. R. E. DOOLITTLE,

Chief New York Laboratory, U. S. Dept. of Agriculture.

or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the secretary of the treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the secretary of the treasury may prescribe."

"It is by the authority conferred upon the secretary of agriculture by this section of the food and drugs act that inspection of food and drug products offered for import into the United States is carried on. Prior to the enactment of the food and drugs act the secretary of agriculture was vested with authority for the inspection of these products by a similar clause in the appropriation act for the Department of Agriculture. This clause was first made a part of the appropriation act on March 3, 1903, and the development of this branch of government regulation of the food supply of the country is of considerable interest to those interested in the problem of food adulteration and its control.

"The importance of this inspection is at once recognized when we consider the amount and value of the imported food products. A statement of these facts in figures expressing the number of cases imported annually or their value in dollars and cents does not appeal to us so much as does perhaps the fact that these products are found in every grocery store in our land and form a part of our every day meals. They are no longer confined to the spices, teas, coffees, fruits, etc., not

produced in our own country but also include such manufactured food products as preserves, jams, meat products, canned vegetables, flours, etc., similar to those that are produced in this country and which enter into competition with those of domestic production.

"In addition to this we have in this country a great foreign population which still obtain from their home countries not only the delicacies of food and drink but also to a great extent those food products generally classed as necessities of life. As examples of these, we may state that there were imported into this country during the past year over 1,000,000 cases of canned tomatoes, an equal number of tomato paste (tomatoes evaporated to a paste-like consistency), and as many more cases of other canned vegetables.

"These products are, however, no longer confined to our foreign population but more and more each year enter into general consumption, especially through the hotel and restaurant trade. This holds true throughout the whole list of imported food products, whether luxuries or necessities. The amount of food products annually brought into this country from abroad is almost startling to one not acquainted with the import trade.

"When we come to the question of drugs it is a well known fact that the great bulk of crude drugs is imported. We have but to enumerate the principal drugs and essential oils to show that practically all are of foreign production.

"It certainly was a well conceived plan that began the federal control of the sale of food and drug products in this country by the enactment of a law providing for the inspection of imported products, and I believe Congress builded even better than it knew when it inserted the little clause in the appropriation act for the Department of Agriculture for the inspection of this class of products. What a satisfaction it must be to those who secured this legislation to have seen it grow to a national law covering both domestic and foreign food products.

"The development of the work for the enforcement of these laws shows a corresponding increase. The act providing for the inspection of imported products was first passed with the appropriation act of March 3, 1903. This went into effect July 1, 1903, and for the reason that the bureau of chemistry, in which was vested the authority for the enforcement of the act, had already spent several years investigating the adulteration of foods and drugs and the methods of their detection, it was prepared to at once enforce the act.

"During the first year all analyses and other work in connection with the enforcement of the law was carried on at the bureau of chemistry at the Washington office with very little increase in the force of the bureau, but as Washington is at considerable distance from the principal ports of entry in this country the delay in transmission of samples and correspondence so inconvenienced the work of the customs officials that it was decided to establish branch laboratories at the principal ports of entry. This was begun in the second year of the existence of the inspection act, and the first branch laboratory was opened at the city of New York in October, 1904, with a force of three chemists and a sufficient number of helpers and clerks.

"Following the establishment of the New York laboratory, laboratories were opened at Boston, Philadelphia, Chicago, San Francisco, and New Orleans during the year 1905, and the force of the other laboratories was materially increased. With the enactment of the food and drugs act, which went into effect Jan. 1, 1907, arrangements were at once made to open several more of the branch laboratories to do the analytical work for both domestic and imported products. In addition to the laboratories already mentioned another has been recently opened at St. Paul and others are in the process of construction or equipment at Buffalo, Detroit, Kansas City, Denver, Savannah, Cincinnati, Galveston, Portland, and Seattle, while negotiations are being made for the location of three or four more in those parts of the country not already covered, thus eventually giving about 20 branch laboratories to do the analytical work in connection with the enforcement of the food and drugs act.

"Besides these laboratories arrangements have been made with some of the chemists employed in state food departments for doing analytical work for the bureau of chemistry. Thus we find the bureau of chemistry since the enactment of the clause providing for the inspection of imported foods in the appropriation act for 1903, increased from a single laboratory at Washington to a large organization with branch laboratories at all the principal points of distribution of food and drug products in the United States and employing a force of inspectors sufficiently large to cover the whole country.



"The port inspection work for the fiscal year ending June 30, 1907, may be briefly summarized as follows: Approximately 110,000 invoices of food products have been examined by the inspecting officers; 4,931 samples have been submitted to chemical examination in the laboratories; 28,137 cases of food products have been examined on the inspecting floors of the customs examiners, from which no samples were taken and invoices not detained for reason that these goods were known from previous examinations or corrections in labels to be in compliance with the law.

"Of the 4,931 samples submitted to chemical examination 3,718 were found to comply with the law and 1,213 to violate its provisions. Of the 1,213 shipments found to be in violation of the law 171 were required to be reshipped beyond the jurisdiction of the United States or to be destroyed, 177 were admitted after the labels were corrected to meet the requirements of the act and 865 were released on final hearing without prejudice to future decisions by the department in similar instances.

"It is, however, difficult to express satisfactorily in figures or in words what has really been accomplished during the year. You who have had experience in city and state food laws can well appreciate this. It is not always the number of samples analyzed or even the number of cases successfully prosecuted that represent the best enforced laws. There are many conditions relating to the laws, the locality, and the men charged with the enforcement of the laws that must be considered in matters of this nature. Results that are accomplished by one official in a certain way will be accomplished by another in an entirely different way.

"It is the policy of the department in the execution of the food inspection act to take such action as is deemed best to prevent a recurrence of the violation. Each case is considered by itself on its own merits and every opportunity given to the importer to produce evidence and all possible information secured and considered before final action is taken. For this reason, therefore, it is difficult to express in figures or words the real results accomplished by the port inspection during the past year.

"The figures given above are, however, the expression of the work as it stands on the department records and will be given to the public. The results are shown to us who are engaged in the work in two ways. First, the change that has been made in the character of the products themselves, and, second, the change in the matter of labeling.

"The enforcement of the inspection act has required the solution of the same problems that have claimed the attention of the state officials in the enforcement of state food laws. The same class of adulteration exists in the imported as in the domestic products and the questions of unwholesomeness, substitution, coloring matters, preservatives, etc., are as difficult to settle with the imported as with the domestic foods.

"It is encouraging, however, to note the change that has occurred in the discontinuance of the use of coloring matters and preservatives in the imported products since the inspection act has been enforced. This means more to the consumer than is generally realized. It means that he is not only getting the true product for which he has paid his money but it also means that the product is the healthful, mature article of its kind, produced, cared for, and delivered to the consumer with every precaution against its contamination.

"The injury that may result from the use of preservatives and most coloring matters in themselves is great enough in my mind to warrant their prohibition, but the character of the products that may be used and the methods of their preparation and preservation that may be resorted to when these substances are added render the resulting products even more dangerous than the chemicals themselves. The use of preservatives puts a premium upon filth. Their use destroys all necessity for cleanliness and the use of scientific methods in the selection and preparation of food products.

"I believe it is a true statement that where a manufacturer's product is found to contain a chemical preservative it will be found that he is using a product, in whole or in part, that is not at the proper stage of development for preservation, or that his methods of preparation, preservation, or storage, are not conducted on sanitary principles. I know that the discontinuance of the use of preservatives in the imported food products in many instances has resulted in a great change in the character of these products. This is shown in the composition and appearance of the articles themselves, in the form and construction of containers, and in the manner of sealing and preservation.

"And with all this I have yet to learn of a single instance

where the enforcement of the food law with reference to the use of preservatives has necessitated the discontinuance of the shipment of any product to this country. It is frequently remarked that 'if preservatives cannot be used then such and such products cannot be brought to this country,' but I always find that the article soon comes along and generally without the preservative, though frequently it is a try of all the old as well as the new preservatives before the department's decision is accepted.

"As an example of this we may cite the sausages imported from Germany. The laws of Germany prohibit the use of preservatives in meat products and the food and drugs act prohibits the importation into this country of any product which is forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported. But many of the German manufacturers and the importers on this side knew sausages could not be shipped to this country if they were not preserved, yet the law has been enforced very vigorously in this respect for the past three years and I know there were more cases of sausages imported during the past year than any year before the inspection act of March 3, 1903, went into effect.

"The same statements would be true of several other lines of products which have been subjected to inspection under the food inspection act not only with reference to preservatives but also to the use of coloring matters, glucose, and inferior substitutes.

"Regarding the change in the manner of labeling, the improvement is perhaps more marked than in the character of the products. This applies not only to the correct statement on the label of the contents of the package but also to the correct representation on the label of the country in which the goods are produced. Prior to the enforcement of the inspection law it was customary to put up the sardines of Spain and Portugal under French labels or under such a form of label as would lead the consumer to believe that he was purchasing the genuine French product. The same was true of the beans and peas of Italy and Belgium.

"These misrepresentations were held to be misbranded under the law and the result has been a complete change in the manner of labeling these classes of products. Goods labeled as the product of any foreign country or even of any particular section of such country must be the true product of that country or of the section specified.

"The attitude assumed by the importers with respect to the import law has greatly facilitated its execution. The law as you will note from its reading is enforced by refusing the admission of goods found to be in violation of the act and their destruction if not reshipped within 90 days, and in every instance except one has the final decision of the department been accepted and the goods reshipped or destroyed by the importers themselves, the latter course being followed where the amount of the shipment was too small to warrant the expense of exportation.

"Of course, there are among the many importers at the different ports, as is found in all other lines of business, some men who can only construe the law as enacted for the particular purpose of destroying their business and who will not make a change in their products or a correction in their labels until they are absolutely compelled to do so. Their sole object seems to be to see how much they can violate the spirit of the law and yet succeed in entering their goods under the strict interpretation of the act. But these instances are few, I am glad to say, and the great majority of the importers have favored the law from the beginning and have supported the officials in its enforcement. With these, to correct a violation, it has only been necessary in many instances to make clear the nature of the violation and then give time to have same corrected at the place of manufacture.

"One of the greatest difficulties in the enforcement of a law relating to imported products is to make the foreign manufacturers understand its requirements and correct their products accordingly. These manufacturers are for the most part people speaking another language and separated from us by the ocean's broad space. In many instances they have produced their products in the same manner for generations and they cannot understand why we now demand a change. But as the exact requirements of the law become better and more widely known this difficulty becomes less evident.

"There are, however, many other difficulties that confront the execution of the law governing the inspection of imported food products, the same as there are in the execution of the state laws. Satisfactory progress, however, is being made, the work is growing, a larger field is being covered



and I hope the day is not far distant when not a single article of food or drug of foreign manufacture or production shall pass through our ports until it has been examined and found suitable for the purpose for which it was intended and correctly represented as to its character and quality."

### THE ELEMENT OF UNIFORMITY IN NATIONAL AND STATE FOOD LAWS.

BY J. Q. EMERY.

"Nebuchadnezzar the king made an image of gold, whose height was three score cubits and the breadth thereof six cubits: he set it up in the plain of Dura, in the province of Babylon.

"Then Nebuchadnezzar the king sent to gather together the princes, the governors, and the captains, the judges, the treasurers, the counsellors, the sheriffs, and all the rulers of the provinces, to come to the dedication of the image which Nebuchadnezzar the king had set up.

"Then the princes, the governors, and captains, the judges, the treasurers, the counsellors, the sheriffs, and all the rulers of the provinces were gathered together unto the dedication of the image that Nebuchadnezzar the king had set up; and



HON. J. Q. EMERY,

Dairy and Food Commissioner of Wisconsin.

they stood before the image that Nebuchadnezzar had set up.

"Then an herald cried out aloud, To you it is commanded, O people, nations, and languages,

"That at what time ye hear the sound of the cornet flute, harp, sackbut, psaltery, dulcimer, and all kinds of musick, ye fall down and worship the golden image that Nebuchadnezzar the king hath set up.

"And whoso falleth not down and worshipeth shall the same hour be cast into the midst of a burning fiery furnace."

You will remember that at the time when the people heard the sound of this motley group of musical instruments they fell down and worshiped that graven image that Nebuchadnezzar the king had set up, except three Hebrews—Shadrach, Meshack, and Abednego—who, disliking that sort of a thing, openly disobeyed the decree of the king and after some discussion with the king finally gave their ultimatum as follows: Be it known unto thee, oh king, that we will not worship the golden image which thou hast set up.

"In the past several months a cry has been sent forth by a national aggregation of food purveyors that a golden image of uniformity in national and state food laws should be set up and that we should all fall down and worship that image. Whether uniformity in national and state food laws is desirable or not depends upon the character of the uniformity and upon who is affected by the uniformity. If we agree with the statement of Attorney-General Bonaparte, approved by the President of the United States, that the object of food legislation is the protection of the great consuming public, then the element of 'uniformity' to be regarded as desirable is uniformity in vigor and effectiveness in securing protection to the consuming public against deception and fraud in food products.

"But, upon the other hand, if the prime object of food

legislation is not to make the way of the transgressor hard, but to remove from the 'trade' the 'hardships' incident to manufacturing and selling wholesome and honest foods under honest and truthful names, honestly and truthfully labeled, then 'uniformity' in food laws is quite another matter. What a wail from the trade has been resounding through the country, as to its 'hardships' in meeting the requirements of food laws because of their lack of uniformity!

"Of course, from this point of view, the hardships of the consumers who ask and pay for a fish and get a serpent instead, or who ask and pay for bread and get instead a stone, who, in other words, ask and pay for the genuine and receive instead a counterfeit, are not to be considered.

"One of the component parts of the golden image of uniformity that takes the form of a proposed food law, which a national aggregation of food purveyors has sought to foist upon the states, is the so-called guarantee clause. On this feature of a national and state food law, I desire to quote a few statements made by the late Hon. H. C. Adams, in his address before this association at its St. Paul meeting, on the subject of 'A National Pure Food Law.' He said:

"The Hepburn bill, the Brosius bill, the McCumber bill and other measures which have been before Congress have provided that any dealer charged with a misdemeanor under such a law, having in his possession a certificate of the genuineness of his goods, given by a wholesaler, manufacturer or jobber, should be acquitted. This one provision would absolutely nullify and destroy the force and effect of any national pure food law that might be passed . . . . A dealer may be a retailer and he may not be a retailer. He may be a jobber in the city of Chicago. He may be engaged in purchasing food products from New England, storing them in Chicago and shipping them to Wisconsin. He may have the most extensive business in the United States in transporting or causing to be transported food products from state to state and yet if, under the Hepburn bill, or the Brosius bill, or the McCumber bill, he presents in any court a certificate of the genuineness of his goods, whether that certificate is true or false, he is to be immediately acquitted. A provision of this kind would be the rankest absurdity that was ever written into law. It would not dam up the rivers of adulteration, it would simply divert their course."

I believe what Mr. Adams then and there said of that feature of the Hepburn bill, the Brosius bill and the McCumber bill is true, and that it is just as true of the guarantee feature of the present national food law; for the present national law does not provide simply that the dealer establishing a guarantee shall not be *convicted*, but that he shall not be *prosecuted*. He shall not be brought into court. Was that change of the phraseology made in the interest of the consuming public? Yet we are importuned to embody this feature of food legislation in state food laws for the sake of 'uniformity' and for the purpose of freeing dealers from the hardship of prosecution for the sale of adulterated food products. Shall we fall down and worship this golden image which the 'trade' has set up?

A bill embodying this feature that was introduced into the Wisconsin Legislature at its past session met a timely death. Does anyone dare contend that such a feature of food legislation has for its purpose the protection of the consuming public against fraud and deception in food products?

This feature of the national food law is contrary to the usual principles and practices recognized in the ordinary business of life. A man is responsible for what he sells. You sell a piece of land and give to the purchaser a warranty deed. Does the fact that you received such warranty deed from the man from whom you purchased it release you from the responsibility to the man to whom you sold it, provided that it is proven that the title further back is defective? Certainly not.

I have heard no more apt characterization of this feature of food legislation than that given by Dr. Fischer when he likened it to the shell game of the fakirs at the fairs. You bet that a pea is under some given shell, only to find that it is not under that particular shell, if indeed it be under any of the shells. Under this feature of the national food law, the great government of the United States must go out seeking for the pea under the fakir's shell.

A sells an article of food to B, guaranteeing it to comply with the provisions of the national food act. B sells it to C without guaranteeing it, as he is not liable under the statute, and it must be admitted has not sufficient confidence in the guarantee which he has secured to make him willing to furnish a similar guarantee to his own customer, C. C finds the product adulterated. The right of C to prosecute B for this sale



of adulterated food has been taken away from him by law. He has no redress against B, no matter how deleterious the food may have been. Is this justice? Is this good law? But the law naively says that A shall be amenable to the prosecutions, fines and other penalties which would attach in due course to B under the provisions of that act. Do you believe for a moment that A can be brought into court by C as a vicarious sacrifice for B's doings? I do not believe there is a court in the United States that will for a moment admit that it has criminal jurisdiction over A in such a case as this. If it were not written in a United States statute it would be regarded as the veriest nonsense. A will be responsible in the courts for the unlawful sales that he has made; but he cannot, in my judgment, be brought into court to answer vicariously for the acts committed by B.

A paragraph from an opinion rendered by the New York Court of Appeals, in the earlier days of food legislation in this country, seems pertinent here: "It is notorious that the adulteration of food products has grown to proportions so enormous as to menace the health and safety of the people. Ingenuity keeps pace with greed, and the careless and heedless consumers are subject to increasing perils. To redress such evils is a plain duty, but a difficult task. Experience has taught the lesson that repressive measures which depend for their efficiency upon proof of the dealer's knowledge and of his intent to deceive and defraud, are of little use and rarely accomplish their purpose. Such an emergency may justify legislation which throws upon the seller the entire responsibility for the purity and soundness of what he sells and compel him to know and be certain."

And such food laws have been sustained by the courts. I quote the following from the Ohio Supreme Court: "The act is not a provision for the punishment of those who sell adulterated food or drugs, because of any supposed turpitude prompting such sales or indicated by them. It is a plan devised by the general assembly to protect the public against the hurtful consequences of the sales of adulterated foods and drugs, those consequences being in no degree increased by the vendor's knowledge or diminished by his ignorance of the adulteration of the articles which he offers for sale." \* \* \* "It was the evident purpose of the general assembly to protect the public against the harmful consequences of the sales of adulterated foods and drugs, and, to the end that its purpose might not be defeated, to require the seller at his peril to know that the article which he offers for sale is not adulterated, or to demand of those from whom he purchases indemnity against the penalties that may be imposed upon him because of their concealment of the adulteration of the articles."

This is the theory upon which the state food laws have been enacted and enforced. But now we are told that these laws work "a hardship" on the dealers. Probably that has been the intent of the laws to work a hardship on the sale of adulterated, fraudulent or deceptive foods. The tendency of those laws is to break up the traffic in fraudulent foods. If there must be hardship borne by either the consumers or dealers, let the dealers bear it. The way of the transgressor should be made hard.

After specifically providing in the national bill for outlawing "imitations," the national law makers, at the behests of certain 'interests,' proceeded to adopt a second proviso with certain features directly antagonistic to the first. And this Janus-faced feature of the national law, under the seductive title of uniformity, we are commanded to fall down and worship.

In the St. Paul address to which I have referred, Mr. Adams made the following statement: "A national pure food law should have written into its letter such a specific standard for every food product known as will satisfy the best judgment of this association." But no such feature was embodied in our national law.

In the matter of standards for foods there would seem to be not only an opportunity but a demand for uniformity in national and state laws. The notion that there can be any real, genuine uniformity in national and state food laws without uniformity of standard for food products is a delusion and a snare. Flour should mean the same thing in interstate commerce as in the local trade of the retail dealer. The same is true for cheese, milk, cream, vinegar, spices, baking powder, honey, sugar, syrup, coffee, extracts, meats, jellies, lard and so on through the list. But are these trade zealots who are clamoring so loudly for uniformity of national and state laws making any struggle to secure definite, uniform standards for food products throughout the country? Upon the other hand, are they not obstructing the efforts of the friends of effective

pure food legislation in this country to establish such definite and uniform standards? Definite and specifically defined standards for food products would make our laws vigorous and effective.

Wisconsin has a law making the standard for food products as latest promulgated by the United States secretary of agriculture, the legal standard in all cases arising under Wisconsin law, where other standards are not specifically prescribed by state law. But under the bland plea for uniformity, Wisconsin would be asked to repeal this effective law and adopt an impotent one, without standards.

Some of our states have specific laws forbidding the sale of foods containing certain specified preservatives or antiseptics. Wisconsin is one of those states. Such a statute can be effectively enforced. It furnishes protection to the consumers; but under the shibboleth of uniformity we are asked to have these effective laws repealed and in their stead laws enacted that deal in glittering generalities and whose enforcement is thereby made extremely difficult, if not impossible; and all this under a seductive plea for "uniformity."

Another feature of the national law, which it is proposed to use as a constituent part of this golden image of uniformity, is the cumbersome procedure prescribed for the administration of that law. This law puts its administration in much the same attitude as was the national army under Halleck in its movement from Shiloh to Corinth. Grant says, "It was a siege from start to close." And this feature of the national law seems to have adopted Halleck's motto in that movement: "Don't bring on an engagement. It is better to retreat than to fight."

One of the purposes of this feature of the national law appears to be to provide legal means whereby the "consulting chemist" who concocted the formula for the adulterated stuff may be afforded the opportunity to analyze it and then swear upon the witness stand that it is unadulterated. "The ox knoweth his owner, and the ass his master's crib."

Permit me to quote the following from Mr. Adams's St. Paul address to which I have before referred: "The highest art in defeating laws is to draw them with such cunning ingenuity that, while bearing a fair countenance, they shall carry in every line and section the seeds of disaster in the courts." Certain features of the national law are not wanting in "such cunning ingenuity." Yet the golden-imaged uniformity-bill which it is proposed to foist on the states has every one of those features.

Because the open and secret enemies of vigorous and effective food legislation may have succeeded in introducing some weak, ineffective or untried elements into the national food law, should the states that for years have been enacting and enforcing food laws abandon strong and effective features of their own laws and adopt instead the less vigorous or effective features of the national law because, forsooth, those features of the state law work a "hardship" on the trade? If the end sought by food legislation is to remove "hardships" from the trade, then why not repeal all food laws—state and national? The fact is that the friends of pure food laws accepted the present national law upon the theory that half a loaf is better than no loaf.

I am in favor of such uniform national and state food laws as can be made to comprise the strongest and most vigorous features of present state and national laws, enacted with the purpose and with the effect of protecting the consuming public against adulteration and fraud, without imposing any hardships on the trade not necessary to the accomplishment of that purpose. But I am opposed to that uniformity in national and state food laws which comes only to relieve the trade from hardship, by writing into those laws the weakest and least effective features of present laws, and 'such cunning ingenuity' that, while 'bearing a fair countenance,' they carry the elements of disaster to the consuming public. Be it known unto thee, oh king, that we will not fall down and worship such a golden image of uniformity.

If there is a serious desire to enact and enforce effective food laws for the purpose of protecting the consuming public against adulterated or fraudulent foods, let us not hasten to inject into existing state laws, either by amendments or reenactments, any of the weak and defective features of the national law under the clamor for uniformity. Let us wait until it has been shown what features of the national law can be effectively enforced and what protection can be thereby given the consuming public. Let us wait until the questionable features in the national law have been judicially determined. When uniformity comes let it be upon a higher and not upon a lower plane of protection to consumers."



## ADDRESS OF W. E. ROBINSON, REPRESENTING THE NATIONAL CANNERS' ASSOCIATION.

On behalf of the National Canners' Association, we wish to thank you for the kind invitation extended us to be represented at your eleventh annual convention.

There is no occupation more honorable than that of supplying food for the human race, and none that carries with it a greater degree of responsibility. It is a well recognized fact that the prosperity of nations is in exact proportion to their standard of food consumed. To some this may seem a strange and unwarranted assertion, but it is, in my judgment, nevertheless true. One of the best illustrations of this is our own country, America. We are the strongest nation on earth in everything we undertake, and we are considered the best fed nation, notwithstanding all the adulterated, misbranded, colored and imitation foods we have been consuming.

I do not wish to be understood as advocating the deplorable practice of food adulteration; it should be stamped out, and no class of manufacturers of foods is more zealous in the accomplishment of this than the canned goods packers.

Prior to the passage of the National Pure Food Law, we had an organization well under way, known as the National Packers' Association of Pure Foods.

The origin of this organization was due to the fact that a very large number of reputable canned goods packers realized that adulterated foods were a menace to the business, and that coloring and preservatives were in most cases unnecessary, and in many cases deleterious to health. The passage of the National Pure Food Law did mainly what the National Packers' Association of Pure Foods was organized to accomplish.

The canning industry has not been as well organized as many other industries of its size and importance, due largely to the fact of its being, comparatively speaking, a new industry. Twenty-five years ago the total pack of tomatoes, which seemed at that time to be quite sufficient for the demand, was only about three million cases; now the trade requires from ten to twelve million cases annually. The same can be said of canned corn, and the demand for almost all other canned fruits and vegetables has increased in the same ratio.

Some time next winter the first meeting of the National Canners' Association will be held. Heretofore the various packers' associations have been meeting with the Canning Machinery and Supply Association, and it can be truthfully said that all had a jolly time; but, the canners being unorganized as a distinct body, nothing could be accomplished beyond a pleasant exchange of views.

Now we are organized into a national association with Mr. George G. Bailey of the Fort Stanwix Canning Company of Rome, N. Y., as president, and he has associated with him an executive committee composed of active, astute, high class business men, whose sole ambition is to place the canning business on a high moral plane, and we will be at all times ready to co-operate with this or any other food association looking to rooting out evils and establishing honest and fair methods.

We hope, through the instrumentality of the National Canners' Association, to accomplish much in establishing uniformity, from the lack of which we are suffering more today than from any other cause—we want uniform contracts between buyer and seller, uniform standards, uniform guarantees, and most of all uniformity in state and national pure food laws.

At present it is difficult to find two contracts for the purchase and sale of canned goods which are written just alike. Being engaged in the canned goods commission business and handling a number of packs besides the output of my own factories, I can appreciate this more than the average packer. I find it very difficult at times to draw a contract acceptable to both buyer and seller, each one wanting it worded in his favor, which is quite natural.

Uniformity of Standards.—At present, in the case of canned tomatoes, we have what is known as the Maryland Standard, the Jersey Standard, the Baltimore Standard, the Indiana Standard, besides a number of other standards, and some packers have a standard of their own.

This leads to numberless disputes when the time comes to deliver. The buyer has his idea of a standard, and the seller has his. Of course a packer always thinks his goods are of standard quality; then a dispute follows which frequently winds up in a rejection, and sometimes results in a heavy

loss to the canner, who has probably been entirely innocent and has delivered, in point of fact, just what he sold. But the buyer, seeing an opportunity to make money by rejecting the goods on a low market, and securing his requirements at a much lower price than he contracted to pay, gets a very high ideal as to a standard. He frequently wants something that Nature does not produce; in fact, he does not want the goods at all. He sees that he has made a mistake in his future purchase; so he wishes to get from under the loss and frequently does it. In most cases being several hundred miles from the packer, he is safe so far as litigation is concerned; since business men, as a rule, do not want to go to law so far from home.

On the other hand, a packer takes orders at a certain price, and when the time comes to deliver, the market has materially advanced. He sees plainly that he exercised bad judgment in selling so soon, and we are sorry to say that in some instances he will pack his cans partly with fruit and the rest of the contents will be clear, cool water. He will probably take the precaution of sending samples to the buyer and notify him that he is ready to ship his goods. The buyer looks at the samples and, the moment he sees them, knows that they are not of standard quality and not what he bought, but he cannot afford to reject the goods. Were he to go on the market he would have to pay a large advance over his original purchase. This he could not afford to do, so he simply orders his goods, pays for them, makes up his mind that the packer is a rogue, and frequently awaits his opportunity to get even with him, and in some instances makes his loss off of an innocent packer.

This, I am proud to say and I wish to say with emphasis, is a description of only a comparatively few canners and a few wholesale grocers.

I have the pleasure of being intimately acquainted and transact business every year with a large number of canners and wholesale grocers who would not stoop to such methods under any circumstances, but as laws are generally needed to apply only to lawbreakers, they cannot be dispensed with because a large percentage of people are not law breakers.

Uniform Guarantees.—Some markets demand swells guaranteed only for the usual time, which is six months after date of invoice; others eight months, and some as much as nine months. In many instances packers concede this, but there is no reason why one market should have its swells guaranteed longer than another. We hope that some time in the near future we will be able to establish a uniform guarantee to apply to all markets.

And now, most important of all is the uniformity of state and national pure food laws. This is highly important not only to the canners and food producers generally, but to the individual states. While the National Canners' Association is a loyal advocate of the National Pure Food Law as passed by Congress a year ago, we are not unkindly criticising some of the states for enacting pure food laws radically different from the national law. We believe they have suffered wrongs which they thought extremely necessary to remedy.

We believe, however, that some of the states will not realize their expectations through state legislation. For example, we took some orders a year ago to be shipped to a state with a pure food law which requires the weight to be stamped on each can, and it was with great difficulty that we were able to fill these orders at all. Some of our very best packers who pack only a superior quality of canned goods, would not accept an order complying with such a state pure food law under any circumstances. Therefore, we do not have our best packers to pick from in filling orders to go to states that require certain stipulations which are not required in the National Pure Food Law, and we are very much handicapped in securing the very best quality of goods. Indeed, it is next to impossible to do justice to these states in filling their orders.

We most strenuously urge upon those present who are representing states with laws not in accord with the National Pure Food Law, especially so far as labeling is concerned, that they will use their utmost efforts to have these laws repealed or amended in such a way that their orders can be filled on an equal footing with other states whose laws are in conformity with the national.

We shall not here go into the question of the weight and measure clause on labels, as Mr. J. P. Olney thrashed this subject out pretty thoroughly a year ago, and his address is a part of the records of your association.

I thank you all for your forbearance, and assure this association that the National Canners' Association is always ready and willing to co-operate with you in any way that will place the food producing business on a high plane.



**INTRODUCTORY.**

BY F. J. H. KRACKE.

Ladies and gentlemen and fellow delegates to this the eleventh annual convention of the Association of State and National Food and Dairy Departments.

Our late and lamented President McKinley in his address at the Pan-American Exposition at Buffalo, N. Y., characterized expositions as the timekeepers of progress.

It may truly be said also of conventions such as this, its membership being made up of officials of the food departments of the various states who are charged with the enforcement of laws protecting the public health and morals, affecting as it does the entire population of the United States with its ninety millions of sovereigns representing the highest average the world ever knew of conservative thought, intellectual energy and patriotic obedience to law.

A progressive spirit is evidenced in selecting this place for holding this convention, the oldest Virginia colony, starting originally with but one hundred and five men; of whom twelve men were laborers, four carpenters and six or eight masons; to-day here we behold the progress of three centuries, representing the truly American spirit—progressiveness.

In the opening paragraph of the Constitution of the United States we catch the new note: "We, the people of the United States, in order to secure a more perfect union, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the United States of America."

The chief magistrate is elective not hereditary.

All legislative powers granted are finally and fully within the control of the people.

On our own initiative we have extended our territory, formed new states and founded and fashioned the institutions which made not only for the well-being of the nation but also for the development of the plain people.

Never before had individual initiative and development found such opportunity as the present, which this exposition plainly demonstrates.

Our progress is an admirable one and ought to be productive of good results in bringing about a greater unanimity of opinion as to the best methods of enforcing the pure food laws of our respective states.

There are some people who believe the easiest way to dispose of a subject is always the best, but with the official charged with the enforcement of a law, be it pure food or otherwise, if he be a manly man, to see a duty is to do it, as in every instance the harder and more trying, the greater is the strength and satisfaction derived in its doing. It has been said "Many otherwise honest men fail to see their duty because they are suffering from selfishness or indifference, prevalent and often incurable diseases of the sight and mind. It is a comparatively easy matter for us to find some one who will volunteer to do our thinking for us but I deem it wiser to keep in practice and do our own thinking. It has also been said that the deliberate avoidance of obvious duties is closely akin to passive dishonesty. Hence the value of our meeting in convention and exchanging views and experiences, to the end that we might arrive at some definite conclusion for the more thorough enforcement of pure food laws for the protection of the people.

I am satisfied in looking over the program and the various subjects to be discussed that when we have adjourned we shall return to our respective stations with clearer views than we have heretofore entertained, and the better fitted to again take up the battle against fraudulent food products.

### **THE EFFECT ON BUTTER FROM FEEDING COTTON SEED OR COTTON SEED MEAL AND DIFFICULTIES MET WITH IN DETECTING ITS ADULTERATION.**

BY W. M. ALLEN,

Food Chemist, N. C. Dept. of Agriculture.

That the butter produced is materially affected when milch cows are fed on cotton seed or cotton seed meal is common knowledge to all dairymen who have had experience with feeding them.

I have nothing original to present to you this morning. I merely wish to relate a little of my own experience with a sample of butter produced while the cow was fed largely on cotton seed, with light grazing, to call your attention to results obtained from feeding these products by the Texas and

other experiment stations, and point out some of the difficulties met with in positively identifying a natural butter.

The sample of butter referred to was sent to the department by a city market inspector, he from the general appearance, odor and taste having suspected that it was adulterated.

**EXAMINATION OF THE SAMPLE.**

The sample had very much the general appearance of tallow to both sight and touch, though not perfectly uniform in color. It had a very decided odor and taste of tallow. The weather was very warm and, while many other samples of butter in the laboratory at the time were in either an oily or a semi-oily condition, this sample was perfectly firm as though it had just been taken off ice.

As usual, I first subjected it to the butyro-refractometer. At 45 degrees C. the scale reading of the refractometer was 42, being a half division of the scale higher than is admissible for the critical lime of pure butter at that temperature. The water house test for oleomargarine and the foam test for process butter were then applied, but unsatisfactory results were obtained in each case. The melting point was then determined and found to be 39 degrees C., the latter being 10 to 15 degrees C. above any other of a large number of samples in the laboratory at the time. A chemical examination of the sample was then made, with the following results: Volatile fatty acid 13.1 cc, soluble fatty acid 4.88, insoluble fatty acid 88.89, the iodine absorption number 42.34 and the saponification equivalent 258.86. With the Halphen test no reaction was obtained for cotton seed oil, but with silver nitrate a slight reduction was produced.

As we see from the results of the analysis, the volatile fatty acid being at least one-third below and the melting point being at least 10 degrees C. above that of a normal butter, and the iodine absorption number also being high, there were many indications that it was either mixed with oleomargarine or that it was adulterated with tallow. It was rather puzzling.

We made inquiry about the source of the butter and learned that it had been made by a small farmer in the country of rather low order of intelligence. We sent for him and questioned him about how the butter had been made and on what the cow had been fed, etc. He informed us that he had fed her on cotton seed meal only, with very light grazing, and that she consumed from three to four gallons of the seed daily. This was practically sufficient explanation for the composition of the butter, but we asked him to bring us a perfectly fresh sample of the butter, just as it was taken from the milk. He did so, and the results of the analysis were practically the same as the results from the first sample.

Had the information in regard to the production of the butter not been available I confess that I would have been at somewhat a loss to know what to decide as to its purity. The results agreed very nearly with the results of several samples of oleo that we had previously examined, but they also agreed closely with the results of the analyses of cotton seed butters reported by various chemists.

The fact that it reduced silver nitrate meant but little, and had the Halphen test shown the presence of cotton seed oil, it would not have indicated that the sample was a cotton seed butter, for it might have been oleo containing either cotton seed oil or tallow from cotton seed fed beef. In either case the results would have been the same, for it is well known to chemists that the feeding of cotton seed to beef cattle or hogs can be detected in the lard or tallow by the chemical test for the detection of cotton seed oil, unless very high heat is used in rendering the lard or tallow.

Among the many problems that have been presented to chemists in the examination of foods and food products, one of the most interesting has been the positive identification of pure butter as distinguished from oleomargarine in its various forms mixed with butter.

It was formerly held that natural butter could be safely distinguished from the artificial or adulterated products by the estimation of the volatile fatty acids present. The amount of these acids always running so much higher in natural, unadulterated butter than in the fat used in the manufacture of the artificial product, or the adulteration of the natural butter, that after the determination of the volatile acids there could little doubt remain as to the purity of the butter. Attention was called a few years ago by the Texas and other experiment stations to the effect on butter of feeding cotton seed and cotton seed meal, showing that the former standard of volatile acids existing in pure butter was unreliable, and judged by this standard alone or taken in connection with the melting point even, a pure butter derived



from cotton seed or cotton seed meal might be mistaken for oleomargarine or a butter adulterated with other fats.

It was also shown that the melting point of butter from cotton seed or cotton seed meal reached several degrees higher than that of normal butter from other feeds, that the iodine absorption number is much higher, and that the saponification of the cotton seed butter was extremely difficult, the latter indicating how persistent some parts of the cotton seed oil pass through the animal digestive organs without decomposition, and appear as such in the animal fat. The effect of digestion on the different oils in foods is a matter of great interest. Since cotton seed oil contains a large amount of oil which is liquid at ordinary temperature, we would expect it to lower the melting point of butter, as well as the melting point of the other fats operated upon, but the effect seems to be the reverse of this in each case. If any part of the cotton seed oil does pass into the animal fat without decomposition, as is indicated in several ways, its effect on the saponification and the volatile fatty acids of the fats is what we would expect, but as has been shown, the effect on the melting point is certainly just the reverse of what we would expect to find.

The silver nitrate reduction test and the Halphen test for cotton seed oil indicate that it is much less likely that the cotton seed oil passes undecomposed into the butter fat than into the fat of the body of an animal.

A study of the nonfatty substances which occur in lard and cotton seed oil has been made by Bomer, with the hope of finding a method of detecting such adulteration with certainty, and he is said to have developed a very satisfactory and excellent delicate process for detecting the presence of any vegetable fat in lard, and I suppose it would serve the same purpose with butter, but it would not remove the difficulty met with in the presence of tallow from cotton seed fed beef.

The method depends upon the presence in all vegetable fats, but not in animal fats, of a small amount of a certain alcohol, phytosterol, which has a definite crystalline form.

The method is described in the Year Book of the U. S. Department of Agriculture for 1904.

So I think we see that to positively identify certain forms of adulteration in butter or to distinguish between them and some classes of butter is not a very simple matter.

### **THE SCORE CARD AND ITS APPLICATION TO DAIRY INSPECTION.**

ED. H. WEBSTER.

Chief of Dairy Division, U. S. Dept. of Agriculture.

The purpose of inspection is primarily the enforcement of law. The law exists for the protection of the people, its creators, against fraud. Fraud may be committed through ignorance, carelessness or malicious intent. The inspector who fails to recognize this triune fails largely in his purpose.

In laws framed for the purpose of controlling the manufacture and sale of dairy products there are two general classes of fraud recognized, one against the pocket book and one against health.

While the citizen has the right to the protection of his pocket book against the covetousness of his neighbor, it is a matter of minor importance to the protection of the health of his family. It is comparatively an easy matter to detect and punish such frauds as watering and skimming milk, substituting one fat for another, up to a certain point, giving short weight, misbranding, etc. In these the law does not usually recognize degree. It is guilty or not guilty. This class of frauds are usually committed with malicious intent and the penalty is definite and seldom ever questioned. The complete enforcement of such laws depends upon the vigilance of the officers and the public spirit back of them. Public spirit is usually more active in guarding the pocket book than it is the health of the owner of the pocket book.

With few exceptions the questions of sanitation in respect to health are relative rather than positive. In one instance a set of conditions will cause sickness and in another, with apparently similar conditions, no bad effect is traced. Trouble may come from more than one source, hence the inability of the officers to prove unwholesomeness, or that the conditions may induce unwholesomeness. This points out clearly the reason for the present unsatisfactory condition of the average sanitary inspection.

Sanitary engineering is a new branch of science, so new that many of the eminent authorities disagree as to its facts. Many of the elements of this science are still unclassified and little understood. When the sanitarians disagree as to the proper classification and interpreting of truth known to exist, it is not to be expected that the layman will

understand or have an over amount of confidence in rules and regulations or the laws on which they may be based, governing sanitary conditions under which dairy products must be produced and handled.

Sanitary science is still too new to have found a place on the curriculum of the school room and those with whom sanitary officers and inspectors have to deal have never been taught its simplest element.

These facts are pertinent:

Laws in regard to sanitation are the most important.

These laws are the hardest to enforce.

The reason is ignorance.

The greatest number of violations of all laws governing dairy products are because of ignorance. Carelessness, whose root is ignorance, will rank second. Malicious intent will account for the least number. The rating of annual prosecution for violations of these laws may be just the reverse. The inspector must be an educator, and he must be master of his subject. He must leave behind him a desire for improvement. The average school boy does not like to stand at the foot of his class. The man is the school boy grown up. If the inspector can tell him how he stands in comparison with his neighbor the desire for improvement is created.

The thing that has spurred many a school boy to attainment and even leadership is the publicity attached to his failures. Publicity will work wonders in bringing about better conditions in dairying. If those in charge of inspection forces are going to make public the result of their inspections they must be on sure and safe ground. Otherwise the way is open for error and misrepresentation, or even blackmail.

The standards for sanitary inspection have not as yet been well worked out. As already stated, the work is new and the doctors disagree. When there is a doubt the question of health should be given the benefit rather than the party involved in the production of the goods. This should be the only true safeguard to health, but unfortunately legislators are more prone to protect the pocket book of the manufacturer or producer than the health of the consumer. In the absence of corrective law a fair, square public statement of facts as they exist will go even farther than law without publicity.

In the absence of specific standards for all matters pertaining to sanitation and the ability to draw the line definitely between what is allowable and what is not allowable, a statement of the ideal must be drawn. This ideal must embrace those conditions which from past experience are known to insure a perfect product. How close the manufacturer or producer will be required to approximate this ideal is for the inspection officers to decide. Whatever the standard may be the inspector must have some adequate method of determining or measuring the distance between the actual and the ideal. The measure of this difference gives the rating. Such a rating cannot be made without a clearly defined analytical examination of the premises and products under inspection. The results of this examination cannot be fully described by words. No adequate idea of distance, height or breadth can be conveyed without a measure of length. No idea of weight can be conveyed without a unit of weight. Neither can a complete idea of sanitary conditions be given without a standard of measure—that standard is naturally the percentage of relative value based on 100 as perfect. From the earliest school days this conception of comparison or degree is taught. The application of this principle to sanitary inspection is natural and easy. Results are comparable. Averages can be readily obtained and a statement of existing conditions clearly made. The manufacturer or producer can know how he ranks. This fosters the spirit of emulation. Defects can be pointed out. A powerful lever is thus placed in the hands of the inspector for encouraging better conditions.

Without a carefully worked out system the inspector may be deceived. First impressions are not always correct ones. It not unfrequently happens that a general survey of a premises will seem to justify a good rating, when a careful examination of details will disclose very undesirable conditions. Just how bad these conditions are will be shown if each detail is carefully weighed by itself and the inspector's estimate of its value put down in percentages. In going over the premises the owner or manager should always be present and each point discussed with him. This results in the best kind of educational work on the part of the inspector. The owner is left not only with a desire for a better score but with a fund of information that will enable him to make



necessary changes to secure the better score. A careful inspector can usually make the owner or manager make his own score with a little coaching. This puts the burden of proof on the concern rather than on the inspector and stops possible complications of unfair treatment at the hands of the inspector.

To prepare a report of this kind will necessitate a well informed inspector. He must not only know every detail of the business under inspection but he must be a good observer. When several inspectors are working in the same field they must work with the same standards. An analytical score card will be of material assistance in uniform rating. Such reports will enable the officers in charge of inspection to analyze conditions and determine readily the points that need improvement. A standard of perfection can be fixed. The line can constantly be pushed up. Consumers of dairy products can acquaint themselves with the facts and buy from the best scoring plants. This encourages a better price to the producer for a superior article. A better price for a better article is a more powerful argument and one that is heeded quicker than any law or set of regulations.

The score card system for sanitary inspection will aid in better and cleaner dairy plants, more wholesome products for the consumer and better prices for the producer.

### HAS THE MILK STANDARD OUTLIVED ITS USEFULNESS?

HON. P. M. HARWOOD.

General Agent, Massachusetts Dairy Bureau.

I realize that in discussing this question before a body of this character I am speaking to those naturally prejudiced in favor of a milk standard, and yet at the same time American citizens naturally inclined towards right and justice. I further appreciate the fact that this is a question with two sides, that there is much that can be said upon either. In my treatment of it I shall try to be fair and just. It has been said that "no question is settled until it is settled right." The milk standard is emphatically such a question. There is a well grounded feeling among farmers that it is wrongly founded and not infrequently works injustice. It seems to me that it is for this body of prosecuting officials, as much as to any one, to work out, if possible, some solution for betterment.

From the standard of the prosecutor a milk standard law is well nigh ideal. It is iron clad. Prove the milk to be below the standard and conviction usually follows. Before such laws were enacted milk was adulterated with water *ad libitum*, and convictions were difficult to secure. Since its enactment, under wise enforcement, much good has been done. But with the lapse of time dealers have adjusted themselves to the conditions. Milk is now manipulated to conform to the standard—skimmed milk is often added or the cream removed in part from the natural milk, if the latter is sufficiently rich in butter fat to warrant it, or poorer milk is often mixed with richer milk. To-day not a few farmers are watering their milk. (I have recently successfully prosecuted five such farmers in a single county.) There is more of this, I believe, than ever before, though I do not believe that there is one-tenth part the water sold in market milk to the consumer that was sold before the standard laws were enacted. At that period the watering was practically all done by the dealers and there was very little milk sold, especially in large cities, that was not adulterated in this way.

This watering is now done because there is a feeling among farmers that if the milk is up to or near the standard it is good enough for the market, and also that if not overdone prosecution will not follow. Yet at the same time there are thousands of cows and numbers of dairy herds in this country producing milk not of good standard quality, thus rendering their owners subject to prosecution or annoyance, even though the milk sold is the natural product of the cow. The theorist will answer that such cows should be discarded. The practical farmer knows better; he knows that if he discards these he will have to discard his heaviest milkers. Secretary Wilson says that one-fourth of the dairy animals of the country do not pay for their feed and more than half do not return any profit. If this is true, then it naturally follows that in the interest of the farmer one-half the dairy animals of the country should be destroyed, and yet the probabilities are that few, if any, of these animals give milk below the legal standard. On the contrary it is well known that the opposite is true.

Massachusetts milk laws are the result of see-saw action, periodically amended, for the last fifty years, with the re-

sult that to-day we have upon the statute books two main laws regulating the sale of milk, one imposing a penalty of not less than \$50 for first offense for selling adulterated milk and the other not more than \$50 for selling milk not of good standard quality. I find upon investigation that most of the prosecutions are under the latter law, undoubtedly because convictions can be more easily secured, and also because in some, I might almost say many, instances the milk is apparently just as the cow gave it.

There are at least four parties interested in the enforcement of the milk laws, and incidentally in the milk standard question—viz.: the consumer, the producer, the peddler and



HON. P. M. HARWOOD,  
General Agent Massachusetts Dairy Bureau.

the prosecuting official. I believe it to be a recognized fact that the food value of milk is not wholly its fat content, nor is it in exact proportion to its fat content. But the commercial value of milk is its fat content, as is proven by the fact that the richness of milk in cream is the only consideration given it by the general public. This granted, it naturally follows that the commercial price of milk should be graded according to its fat content. If, for example, pure milk containing 3 per cent fat sells at 6 cents per quart, that containing 3½ per cent might bring 7 cents, that containing 4 per cent should bring 8 cents, 4½ per cent 9 cents, 5 per cent 10 cents, 5½ per cent 11 cents, 6 per cent 12 cents, and so on, and that containing 2½ per cent might bring 5 cents and that containing 2 per cent 4 cents, but no law should prohibit the sale of milk as it comes from the cow.

If an attempt at adulteration with water were made in case of the 6 cent milk the price would immediately drop to 5 cents or less, and no advantage would be gained, hence adulteration would cease.

With the lactometer, the refractometer and the relation of fat to other solids, added water can now usually be detected, and the culprit punished under a straight milk adulteration law. Would not the selling of milk upon its guar-



anted merits be a good substitute for a milk standard law as it now is?

A milk containing 3 per cent fat and  $8\frac{1}{2}$  per cent other solids at 6 cents would be a cheaper food for the poor man than 4 per cent fat with 9 per cent other solids or 5 per cent fat and  $9\frac{3}{4}$  per cent other solids, etc., while the man who could afford it would get the richer milk he desires, and the farmer would get proportionate returns for his efforts in producing a milk rich in butter fat. Any farmer who sells at 4 per cent milk on a 3 per cent standard market, at the average price, is a fool, and one who sells  $2\frac{1}{2}$  per cent milk in the same market becomes a criminal under the standard law.

In our state producers are being gradually driven from the business, for while prices are becoming higher in the cities the farmer does not get enough to save him. The poor man joins with the rich in buying standard milk at a uniform price, which to some extent makes him pay for a milk which he cannot afford and does not need, and, paradoxical as it may seem, does not always get, and meanwhile the producer of general market milk is being driven further and further away, with the result that milk comes longer distances, and is older and consequently poorer in quality. Pasteurize it? Pasteurized milk is a good deal like corned beef; it may keep longer, but is no improvement over nor as good as the fresh article. I feel for my part that so far as cities like Boston, New York, etc., where milk is carried in, are concerned, that the milk standard is a positive injury in the ways indicated.

Under present conditions intelligent Americans are being driven from the business and foreigners are filling their places. The old fashioned farm home is being depleted because the farmer cannot make a living, keep up the farm and educate one child each. This to be sure is not wholly due to the milk standard, but the milk standard as at present taken advantage of is an important factor in embarrassing the dairy farmer.

It seems to me that a milk standard prohibiting the sale of the natural product of many cows is wrong in principle, and particularly so in practice, that valuable as it has been in the past it is not so valuable today, that in the interest of a better milk, at prices which people can afford to pay, the consumer would be benefitted by substituting the system of selling milk on the basis of its fat content. As to the farmer it seems to me that the merit system would work to his advantage, at all events he would know where he was at, and it would relieve him from some forms of imposition and annoyance.

In a recent discussion of the milk standard question before the Committee on Agriculture of the Massachusetts Legislature many interesting facts were brought out. The standard in Massachusetts is 13 per cent total solids, 3.7 per cent butter fat and 9.3 per cent other solids, in winter; and 12 per cent total solids, 3 per cent fat and 9 per cent other solids, in summer. The farmers asked to have a uniform standard of 12 per cent throughout the year, 3 per cent fat and 9 per cent other solids. The committee reported a bill calling for 12 per cent total solids, 3.35 per cent fat, uniform throughout the year. The Legislature referred this to the next session. It is altogether probable that had the committee reported a bill calling for 12.5 per cent total solids and 3.5 per cent fat it would have passed.

It developed at these hearings that the standard was working a hardship to the farmers and that indirectly it was not protecting the consumer; that the milk contractors and peddlers were using it to their pecuniary advantage; and that the prosecuting officials throughout the state were not rigidly enforcing the law.

It was argued that it injured the farmer: (1) because it made a criminal of him if he inadvertently or otherwise sold natural, unadulterated cow's milk, which, upon analysis, was found to be below the legal standard; (2) because it enabled the contractor to "squeeze the price," i. e., if the farmer was producing below standard milk, under contract price, he was forced by the contractor either to take the "butter price" for it or else keep it at home; (3) because a man whose milk was above standard could get no more for it on that account, except in a few instances where small contractors paid a slight but altogether inadequate premium; (4) because it compelled most farmers to keep unprofitable cows as far as quantity of milk goes in order to average up the quality, while others were forced to discard the fore milk to the amount of several quarts per cow to accomplish the same result; (5) because it discriminated against special breeds of cattle and favored average animals, involving a general level-

ing process wellnigh impossible of attainment; (6) because it developed that in general dairy farming in Massachusetts was not reasonably profitable, and it was strongly urged that if the standard could be lowered or abolished the farmer would be helped to some extent.

On the other hand the supporters of the standard argued that by lowering the standard more adulteration and manipulation would be possible on the part of those so disposed, and the farmers would be worse off than before. This opinion was held by not a few farmers who privately expressed their opinions upon the subject, but did not appear as a rule before the committee. The arguments were mainly between advocates of the present standard and those in favor of a lower standard, but to the average listener they tended strongly against any milk standard as at present used.

A fair illustration of the way the law is enforced in Massachusetts may be obtained from the published reports of the State Board of Health, a body which prosecutes more milk cases than any other, or perhaps all others combined, outside of and excepting the city of Boston. A report showing the exercise of wise discretion:

The report of January, 1902, gives 49 analyses, varying from 8.03 to 11.90; none above 12.

The report for January, 1903, gives 36 analyses, varying from 7.50 to 11.66; none above 12.

The report for January, 1904, gives 36 analyses, varying from 4.10 to 12.88; three were 12 and above.

The report for January, 1905, does not give analyses.

The report for January, 1906, gives 57 analyses, varying from 4.69 to 11.88; none above 12.

The report for January, 1907, gives 154 analyses, varying from 7.27 to 11.97; none above 12.

We have in the aggregate, 334 analyses in five years, and only three above 12 per cent.

It developed at the hearing that 12.85 total solids in winter and 11.85 in summer usually escaped prosecution in cities where practically all the milk was sold by dealers.

There may be some question in the minds of those who have not looked into the matter as to whether or not it is a fact that the products of market milk is not profitable in Massachusetts. Listen to the figures:

In 1890 there were assessed in Massachusetts 200,658 cows, and 62,549 other neat cattle. In 1906 there were assessed but 181,816 cows, and 42,536 other neat cattle. The other neat cattle taxed are largely yearlings and two-year-olds being raised for the dairy and bulls kept for breeding purposes.

There are very few oxen and steers in the state.

Here is a falling off in 16 years of 10,000 cows and 20,000 other neat cattle.

Fancy dairying is practised to some extent, in a few instances for profit, but mainly as the fad of rich men. Where milk is produced for nearby market the business is often run more profitably in connection with market-gardening or the poultry business, or both.

The real test comes in those localities where milk production is for the general market, carried milk to Boston or New York for example. In such localities the milk business is falling off. If the buildings burn they are seldom rebuilt, the farms are either allowed to grow up to wood and timber, or are sold or run for some purpose other than dairying. In my own town, the banner dairy town of the state, there are many farmers who have given up the production and sale of milk for the Boston market. Farms are low in price and for dairy purposes there is practically no demand.

In view of these serious complications and objections to the milk standard as it is now used is it not our duty to seek relief, to point out if possible some better way? It seems, therefore, that either the milk standard should be abolished altogether and milk sold upon its merits, or if a standard is to be maintained that standard should be uniform throughout the United States. Such a standard could now be equitably adjusted on account of the very large amount of data available from state departments, experiment stations, etc., this standard to apply to general market milk at the general market price. But those making a poorer quality of milk, either from choice or otherwise, should be required to sell it for its proportionate value, and naturally those making a better quality should get a proportionally better price. Either one or the other of these alternatives, or a better, if anybody knows of one, must come, for the present milk standard laws have too many limitations and objections, and in the light of modern experience have to a degree outlived their usefulness.



Chief Health Officer of Richmond

Richmond is a city of nearly 112,000, according to a special census just completed. Just a year ago our Health Department was completely reorganized. Our pure food ordinance had been on our books for three years, but, so far as milk was concerned, the chief activities of the department have been confined, as is the history in most places, to enforcing the requirements relating to the food value of the product, and this has been well done.

Two years ago, although not then connected with the Health Department, I made a number of bacteriological examinations of the milk sold on the Richmond market and found a large part of it very bad. Since then I have been endeavoring to have more attention paid to the sanitary side of the question, but no appropriation for this purpose could be secured until about the end of March of the present year when, in response to the efforts of the Board of Health, the sum of two thousand dollars was included in the annual budget for the "sanitary improvement of the milk supply."

On the first day of May this work was begun. Mr. R. H. Curtis, who had been one of the assistants to the Inspector of Milk and Food Supplies since the reorganization of the department, was promoted to the position of Dairy Inspector, and Dr. Jas. M. Whitfield, chemist to the Health Department, was engaged to make regular bacteriological examinations. Mr. W. T. Holdsworth, for two years Assistant Inspector of Milk and Food Supplies, was made inspector on reorganization last year and has continued his work with enthusiastic devotion.

It is generally understood that the first principle in gaining control of the milk situation is the restriction of forcing all who are in this business to have a permit. Our ordinance provided for this and, moreover, further provided that this permit might be at any time "suspended or revoked, without notice, by the Inspector of Milk and Food Supplies, if, in his judgment, such dairy, dairy farm or place is found to be in an unsanitary condition." We therefore started in this work under an ordinance which left nothing to be desired, although this special part of it had lain dormant for nearly three years.

We have been exceedingly fortunate in securing the services of men who are not only thoroughly competent but also intensely interested in their work. A good law and good men to enforce it made our start easy.

As soon as it became known that this work would be taken up, all kinds of rumors reached us from the dairymen, who seemed to be more or less stampeded and fearful of the enforcement of requirements which they could not meet. I therefore decided to invite every dairyman to a conference for the purpose of acquainting them with the importance of the work and with the methods which we purposed following. At this point it is necessary to explain the factors which made such a conference possible.

Richmond is remarkably situated for a city of 112,000, in that nearly all the milk sold is produced very near at hand. In the first place, there were less than one hundred producers sending in milk, and all of these except six were within ten miles of the city. Our problem of reaching the producers was, therefore, very different from that of New York, for instance, with its 35,000 producers, some of whom are four hundred miles from the city.

A circular letter was sent to every producer, inviting him to attend this conference and bespeaking his hearty co-operation in the work. Every member of the medical profession was also invited to be present. The newspapers of the city assisted us very materially, as they are always ready to do in all our work, in arousing popular interest in the movement and extending a general invitation to the citizens of Richmond to be present. The managers of the Mechanics' Institute kindly placed their auditorium at our disposal without charge.

This meeting was set for May 9th. Being in Washington on the 7th, I called at the Dairy Division of the Department of Agriculture, knowing the excellent work which they were doing in this connection. With scarcely any hope of a favorable response, I asked Prof. Webster if he could not spare a lecturer to be present at our meeting, and, fortunately, though only two days off, he was able to comply with my request, and Dr. Santee packed up on this short notice and came to Richmond.

The meeting was a great success and was in some respects quite remarkable. The hall was completely filled. Conservatively speaking, nine-tenths of the producers were present, three of the six who shipped by rail coming in for the occasion. All of our city dairymen were present, a good proportion of the medical profession and many citizens. After briefly explaining the object of the meeting and outlining the plans of the Health Department, a short talk was given on the relation of milk to disease. Dr. Santee then followed, in an admirable talk, well illustrated by views. He had spent the day visiting some of our dairy farms and was able to speak of the conditions which he found. The score card was fully explained. Being a practical dairyman as well as physician, he gained the complete confidence of the audience. After these talks the dairymen present were invited to ask questions and make any statements which they might desire to their heart's content, and they proved by no means bashful in availing themselves of this invitation. From many things which we heard, we knew that at least some of those present had come prepared to criticise everything—indeed, to give the Health Department a good warm “roast,” but the candid, open manner in which they were met completely disarmed them. They were made to understand that we wished to meet them in a friendly spirit, and they entered fully into this.

I have gone rather at length into an account of this conference with the dairymen because I believe that it accomplished immense good, and I strongly recommend this to every city on starting in with work of this kind. Of course it is practicable only in places situated like Richmond in respect to the number and nearness of the producers.

In the inspection of the dairy farms the score card of the Dairy Division of the U. S. Department of Agriculture, which has been so fully described by Prof. Webster this morning, has been used from the start. I desire to recommend this score card most heartily. Without some such method of recording the many points about each dairy farm, one can have only general impressions, and on the second visit it is impossible to compare accurately the conditions at the two visits. Moreover, with the score card every point must be noticed. We were greatly helped again by Dr. Santee, who returned to Richmond on the 20th of May and remained five days, making the rounds with our Dairy Inspector and instructing him in the use of the score card.

We have not as yet adopted any compulsory minimum score, preferring first to get all the places scored up. This will, however, doubtless be done later. On the first visit to each farm advice was given as to the necessary improvements, special stress being laid on cleanliness and on prompt and efficient cooling of the milk. Those places which were found in especially bad condition were at once notified of the changes which they would have to make.

After the second visit letters were sent to each producer whose place was in a condition not satisfactory to our department, giving him, as a rule, fifteen days in which to meet our requirements, under penalty of suspension of his permit if this was not done. Very few of the producers were equipped with proper milk houses and coolers, and almost all of our letters related to this, as well as to cleanliness.

Along with the score card, we have installed the following cards, by which track is easily kept of each producer:

## DAIRY INSPECTION

[illegible]

Besides the alphabetical arrangement of these last cards, there is also a "1 to 31" index. When a letter is sent to a producer, giving him a certain time in which to meet our requirements, the proper reminder is at once placed in front of the date on which his time expires. Thus, if a notice is sent out on the 5th of the month, giving fifteen days, a memorandum is at once put in front of 20, and when the 20th arrives the inspector finds a list ready of the names whose



time is up on that day. One of the secrets of success, we believe, is the prompt following up of every case. The dairymen must know that if they have been given a certain time, when that time is up the inspector will come to his place without fail, and if the requirements have not been complied with, the permit will be suspended.

I have modified the score card in one respect. Each score card is numbered, serially, and this score number is entered on the index card. It is thus possible, by the index alone to see in a few seconds the run of scores for any given man, while, if more detailed information of his standing is desired, the index number enables us to turn at once to each of his original scores. The score cards which I am now having printed have a margin reserved for binding. Thus the scores will be matters of permanent record, while the index will enable us to refer in a minute to every score of each man.

The first lot of warning notices were sent out on June 5th, to twelve producers, giving them fifteen days in which to clean up and install a "proper milk house, separate from the stable or any living room, free from dust and objectionable odors, and provided with an aerator, of a kind approved by our department, for the prompt and efficient cooling of the milk." One day was allowed for the receipt of these letters, and on the 21st our Dairy Inspector visited each of the twelve places. Two had gotten in first-class shape; two had made satisfactory progress and had good reasons for not having completed the work; two announced that they preferred going out of business, while six had made no pretense whatsoever of complying with our requirements. The time of the two who had not completed the work was extended; the permits of those who wished to give up the business were revoked, while those who had done nothing had their permits at once suspended. Three of these latter stopped selling milk and have since gotten into satisfactory shape, but three of them ignored our action and continued to sell.

These last cases brought us up to the really crucial point of our work. Of course they were at once summoned to Police Court, and their cases came up on July 9th, just five weeks from the sending of the original notices. All three of these were fined ten dollars, although two of them had meanwhile met our requirements. This did not save them from the penalty of having ignored our orders and sold milk after their permits had been suspended. Only one of them had continued to go on in the old way, and the Police Justice announced that if he was found selling milk before we said so, he would impose the maximum fine—one hundred dollars and revocation of his permit.

The moral effect of this prompt and firm conviction of those who had defied our orders has been excellent. Most of the producers have met us in the proper spirit. Our efforts throughout have been to get the dairymen and producers to feel that we are their friends, and that they would themselves be the gainers by meeting the requirements of the Health Department. Cordial relations have thus been established in almost every instance, and a large proportion of the producers consult us freely on every point. The few, however, who have preferred to be obstinate and ugly have been made to understand that if they would not comply pleasantly they could be made to do so forcibly if they wished to continue in business.

Even the imposition of a fine has not meant the rupture of friendly relations. I took pains to get the newspapers to note, in reporting these cases, that two of the men had complied with our requirements before their cases came up in court, and that their customers could feel safe in continuing with them. This had an excellent effect, and one of these parties came to the office next day to say that he appreciated our kindness; that he had been well treated by us throughout, and that we would have no more trouble with him. He now has a good place and is one of our best dairymen and an enthusiastic supporter of our work.

During the month of June—our second month of this work—we suspended ten permits and revoked seven. Seven new milk houses were completed and two cow stables; while twenty new milk houses and three new stables were found under construction on July first.

The milk business of Richmond is partly in the hands of two large city dairies and partly carried on by independent retailers who produce their own milk. Daily sales amount to about 5,000 gallons, of which one of the city dairies (supplied by 37 producers) handles, roughly, 2,000 gallons, and the other (supplied by 19 producers) handles 1,000 gallons, leaving 2,000 gallons retailed by 30 producers. The total number of producers, therefore, some having given up the business, is 86, a very small number to produce 5,000 gallons

of milk, supplying a city of 112,000. As mentioned above, only six of the producers are at a greater distance than ten miles from Richmond.

All along we have had regular bacteriological examinations made of samples collected from the city dairies and from the delivery wagons. These have shown a marked improvement, though not yet as good as they should be. It is too soon as yet to look for any results in a lowered infant mortality, but this must surely follow, as it is now universally conceded that dirty milk is the chief factor in the gastrointestinal disturbances of bottle fed infants during the summer months.

Much work remains to be done. The highest standard cannot, naturally, be reached in a few months, but the work is proceeding along systematic lines and will be prosecuted until every producer has been gotten into line.

A few pathetic cases have come up, poor people, with a few cows, in miserably inadequate places, with no facilities for the proper handling of milk or even for decent cleanliness, who stated that they were financially unable to meet our requirements. These cases have been most trying to everyone connected with our office, but we have been forced to be firm in dealing with them. Our babies will suffer and die from bad milk without reference to the financial condition or the worthiness of the owner of the cows from which it comes. The primary difficulty in these cases, of course, is that heretofore in Richmond it has been held that anyone who could buy a cow or two of any kind and keep her in any old shed was qualified to sell milk, and, indeed, it is astonishing to find the number of people—good families—who take from such sources, believing that they are getting the best milk possible because the producer of this class has so few cows to look after. We have to teach the people that the above is all wrong, and that only those who are able to invest a small amount of capital in the business can produce good milk. Others must look for some other means of gaining a livelihood.

In addition to the work above outlined, all looking to serving better milk to the people, we have realized that a considerable part of the responsibility in the milk question rests with the people themselves, and that careless handling of milk in the home will largely counteract our efforts. To meet this difficulty we have gotten out the following circular:

#### CARE OF MILK IN THE HOME.

Issued by the Health Department of Richmond, Virginia.  
This Circular Contains Information of Importance to Every Housekeeper and Especially to Every Mother.

PLEASE READ CAREFULLY AND PRESERVE FOR FUTURE REFERENCE.

Office of Health Department, City Hall,

Richmond, Va., July 10, 1907.

The quality of the milk supply of a city has a great deal to do with the health of the people. The Health Department of Richmond is doing everything in its power to make the milk supply of this city all that it should be from a sanitary standpoint, and the dairymen are actively responding to our efforts. Since the first of May, when this work was begun, there has been a very great improvement, though much still remains to be done.

But it is not sufficient that the milk should be clean and pure when delivered to you. Unless the proper care is taken in your own home after the milk is received, you will not have good milk in spite of our efforts and the work of the dairymen. It is therefore important that you should carefully follow the instructions given in this circular—not just to-day, but every day, the whole year round.

Milk is the most valuable single article of diet known to man, and it is the only proper food for babies under one year of age, when they cannot get the nourishment which nature intended for them—their mother's milk.

But, while good milk is such an excellent food, bad milk is one of the most dangerous foods possible, being responsible for a large part of the bowel troubles of babies and for the death of very many of them.

The chief means by which milk is often made dangerous are: (1) dirty methods of keeping and milking the cows, dirty milkers and dirty milk vessels, (2) failure to cool the milk promptly and keep it cold until used, and (3) keeping the milk too long before it is used.

*Bad milk, therefore, so far as danger to health is concerned, is dirty milk or warm, stale milk.*

We are rapidly getting the dairymen of Richmond to understand these facts, and we can promise you that the milk supply of Richmond will soon be among the best in this country.



*In the home, as on the farm and in the city dairy, cleanliness and cold are the two essentials in the securing of wholesome milk.*

All vessels used for milk should be thoroughly cleansed as soon as empty, using first clean cold water for rinsing, and then scalding them with hot water containing a small amount of washing soda or borax. Do not use soap for this purpose. After thorough washing, the vessels should be rinsed with clean water and then well aired and sunned, in some place where they will be protected from dust.

If your milkman delivers his milk in sealed bottles, see that he does not leave these in a place where they will be exposed to the heat of the sun before being brought into the house. They should be taken in as soon as possible and stood at once in the refrigerator until used. As soon as you have emptied a bottle, wash it out carefully. Do not return to your milkman bottles containing stale milk.

If you are getting bottled milk and if a case of typhoid fever or other "catching" disease breaks out in your house, you should tell your milkman at once, and he should not take away any milk bottles from your house until after the case has gotten well, as one of these bottles might otherwise be the means of carrying the disease to other houses. We will instruct the milkmen what to do in such cases.

If your milkman does not deliver his milk in bottles, it is best to have him deliver it directly to you or your servant, and you should see that it is put on ice immediately and kept cold.

*The practice of putting out an uncovered pitcher or other vessel for milk the night before cannot be too strongly condemned.*

Such a pitcher or vessel, exposed to the dust and dirt of the street, will collect thousands of germs before the milk is put into it. Many of these may be dangerous to life and health, besides which they will certainly cause the milk to sour in a short time and become unfit for use. The purest milk received in such a vessel may become as bad in a few hours as the worst milk from a dirty farm.

If you are compelled to stand out a vessel to receive your milk, provide yourself with several glass preserve-jars, which should be used for this purpose only. They should be kept well washed and aired as above described. Get jars with clamp tops. Those with screw tops are hard to keep properly cleansed. Do not use the rubber ring which comes with most jars, as it is difficult to keep clean and the jar will be sufficiently tight without it. Instead of a preserve-jar, a bowl, covered by a plate, may be used. A pitcher cannot be tightly covered on account of the projecting spout.

*Give your own personal attention to your milk vessels.*

The milkmen of Richmond state that many persons in this city have the idea that if milk is delivered to them warm this is a proof of its being fresh from the cow, and hence better. So far from this being true, only by cooling the milk as soon as it is gotten from the cow is it possible to prevent rapid decomposition of the milk in warm weather. The regulations of the Health Department (which have been adopted for your benefit) require that all milk sold in Richmond shall be cooled as soon as possible after milking.

*While bad milk is the chief cause of bowel troubles among young infants, it is by no means the only cause. Improper feeding is another cause. Never give anything but milk to a child under one year, unless advised to do so by your family doctor.*

If your baby has any bowel trouble, call in your doctor at once, so that the case may be treated before it has gone too far.

Never buy milk for the baby from a grocery store. Store milk has often been kept over from the day before, and only too often without ice or in an open pitcher in a refrigerator in which meats and vegetables are also kept. It is dangerous as food for babies.

By paying careful attention to the above instructions, you will do much towards keeping your family well during the summer (and especially the little ones who live on milk). You will also find that your milk will keep longer and taste better.

Keep this circular and read it from time to time until thoroughly familiar with its contents. If you change servants, be sure to give instructions to the new ones in the care of milk in your home.

Twenty thousand of these circulars were gotten out. Every person who delivered milk in the city was given a supply, accompanied by a circular letter asking him to leave one of the circulars at the house of each of his customers on a single day—Saturday, June the 13th. Each of our three daily

newspapers had a copy sent them, with the request that they publish it in full on the same day, together with an editorial, directing attention to the importance of the subject. All of them cheerfully responded. In this way, not only every taker of milk but also every other citizen of Richmond had his attention called to this matter on one day.

There are several problems in Richmond which remain to be solved. The chief of these are the evil of selling milk at grocery stores, and the even greater evil of the number of persons who keep a single cow, within the city limits, and sell milk to their neighbors. These questions will be taken up later, after other matters have been thoroughly gotten into shape.

Although this work has been going on in Richmond only two and a half months, we feel that excellent progress has been made. Our ordinance is all that could be desired. The Board of Health is thoroughly in sympathy with the work and all the officers who are entrusted with carrying out the law were appointed by the board purely on the ground of their fitness. These officers are capable and enthusiastic. Our Police Justice has shown that he will enforce the law in those cases which do not comply with our orders. In Richmond the Health Department is as completely divorced from politics as possible, and in dealing with the dairymen we have no complications due to political interference. Nearly all our producers are near at hand and can be frequently inspected. The public is thoroughly in sympathy with our work, and the newspapers are giving us their unqualified and active support. The producers themselves are, with very few exceptions, actively co-operating with us. With all these points in our favor, there is every reason for believing that within a very short time the milk supply of Richmond will be among the best in the entire country.

## BUTTER AND CHEESE FACTORY SANITATION

BY PROF. A. H. WHEATON.

Dairy and Food Commissioner of South Dakota.

I feel highly honored at being asked to address a convention of men whose deliberations are of such great moment to all the people of the United States of America. And while I am proud of the distinction, I cannot help but think that your secretary assigned a very large subject to a very small man.

When I received the notice from him my first thought was, What will the rank and file of the members expect of a man who hails from the heart of the great American desert on such a subject as this? Not ever having had the pleasure of meeting you before I was unable to judge and gave it up as being beyond my ability to solve. My next thought was, that your secretary had probably been reading some of the wonderful stories of the wild and woolly west and had put me on the programme just to satisfy his curiosity as to whether or not it is true that "Fools rush in where Angels fear to tread."

Being a western man I decided I had a certain reputation to maintain to-wit, that no truly western man was ever appealed to in vain, whether the call was one of mercy, for aid to the distressed, or to clean out a rustler's ranch. And this was what caused me to decide that I would face the music and let the criticisms fall as they would. Therefore I have divided this subject and will take up the butter factory first.

The scheme of sanitation for the butter factory should be taken up and earnestly considered before the location of the site has been determined upon and the services of a competent engineer employed to provide ways and means for the two most important things necessary to perfect sanitation, namely—water supply and perfect drainage. I have known of a factory which was located in a basin for the sole reason that a supply of water could be easily obtained there with but very little expense. The supply was ample and at first was of good quality, but after a few years with the drainage of the creamery running on top of the ground and settling in the lowest places, it developed a condition easier to imagine than to describe.

In fact, this was to me positive proof that two things can be put together and make one. This was a practical demonstration that it was possible to unite the source of water supply with the drainage and have the two subjects all in one, with all the attendant results. *Pure water is as necessary to the success of a creamery as it is to the health of a family.*

Adequate and perfect drainage is the next most important consideration, both of which should be determined before the factory is built, and for these reasons no butter or cheese



factory should ever be built on low ground in close proximity to a slough, or near a body of dead water, but should always be built on high ground where the air is pure and with free sweep of the prevailing winds.

To make perfect sanitation easy the floors should never be constructed of wood which absorbs more or less of the milk and wash water and furnishes a splendid media for germs of all kinds, but should be constructed of concrete and cement, extending up the sides of the work-room at least three feet.

The floor should slant to drain one-fourth inch to the foot, with a center drain having the same pitch to the trap, connected with a drain which will carry all washings under ground to at least forty rods from the factory.

The windows should be so constructed that there would be no dark places or corners obscured from the light of the sun.



HON. A. H. WHEATON,

Dairy and Food Commissioner of South Dakota.

Having procured all this, then the next step, third in importance, is the placing of the machinery in such a manner that every part of it is of easy access to the operator with as few pipes as possible and short and smooth inside.

Water tanks connected with steam pipes for heating, placed so that boiling hot clean water may always be in easy reach of those whose duty it may be to wash and cleanse the utensils used, or which may come in contact with either milk or cream.

After these have been supplied and all the facilities furnished for a perfectly sanitary system, then it is up to the operator to keep it in a clean condition, and here is where the shoe pinches.

If I had but three months in which to educate a young man or woman to make butter in a factory I would spend at least one month of that time on lectures and practical demonstrations of the efficiency of hot water in killing bacterial germs and cleaning milk utensils. Hot water and sun-light are the two great cleansers to be depended on for keeping a butter factory in perfect sanitation.

Cleansing powders and compounds may be used on the floors, in the drains, and to cleanse platforms and the like, but never to be used to cleanse any vessel, pipe, pump or vat, or any surface of which comes in direct contact with the milk. Soap of any kind should only be used to wash the hands, woodwork, windows, etc., but should never be used on any surface which comes in contact with either milk or cream.

## CHEESE FACTORIES.

The cheese maker has vastly more to contend with than the butter maker, or in other words, if he is careless about sanitary conditions the resultant effect is increased a hundred fold.

No less a person than Ex-Gov. Hoard once said that it required a hundred times more knowledge and experience on the part of the operator to make good cheese under all conditions than it did to make good butter. After thirty-three years' experience in and study of the subject, I am inclined to coincide with him in that opinion.

While the development of certain bacterial germs in the manufacture of butter only have to be watched for a comparatively short time, with cheese, they enter into the very life of the product from the start until the cheese is made, cured, and placed on sale, which may be within a few months or may extend over a period of a year or two, sometimes even more than that.

The older the cheese the better it is, provided it is properly made, properly cured and properly handled after it is cured, until it reaches the consumer.

The elements of development and decomposition germs, mingled with the enzymes of the calve's stomachs, called rennet, which determines the quality of the cheese which carries with it the palatability and digestive qualities as well. If then we take into consideration that injurious germs when incorporated into cheese are getting in their work of destruction from the moment the milk is received at the factory (and perhaps even before) until the cheese is consumed in some foreign land, then we can comprehend the necessity of perfect sanitation in cheese factories.

"The burned child dreads the fire," and when I tell you that I once burned nearly a car load of cheese which was made unfit for food because of the little festive bacilli that worked night and day to bring about my downfall, you will know that I am speaking from experience. This was not the result of unsanitary conditions in or around the factory, but rather, to conditions at the farms where the milk was produced and to a lack of knowledge on my part to overcome the evil effects of the germs. I learned a lesson in the school of experience which I have never forgotten. I paid the tuition which is always high, and have been trying ever since to teach others to avoid the rocks upon which my craft was nearly wrecked.

We of the craft have so often heard it said, that it is absolutely necessary to have everything perfectly sweet and clean in the manufacture of butter, because butter absorbs taints and odors so readily. These teachers hardly ever mention cheese in that connection, but I want to go on record as saying it is true in regard to butter, and many times more so with cheese.

The evil effect of insanitation can be overcome in the production of butter, temporarily perhaps, until the butter has been consumed, if within a few days or weeks, but the process of making cheese is in a sense the process of artificial digestion, which may be made to work fast or slow, at the will of the expert operator according to his knowledge of, and ability to impart to others, the true principles of perfect sanitation, not only at and around the factory, but at and around the homes of those who supply the milk with which the cheese is made.

I said in the beginning that this was a very large subject, and will now say again that it is entirely too large to be covered in a paper so constructed that it will not exhaust your patience in listening to it, nor occupy too much time in reading it, so I have purposely left the real meat of the coconut to be brought out in the discussion which may follow, only attempting in a suggestive way the great importance and possibilities of the subject.

A cheese factory should be so constructed that all the requirements which I have suggested in the appointments of a creamery should be present and in addition a curing room so built that temperature and moisture are absolutely under the control of the operator.

I can best express my idea of the necessary sanitary requirements when I say that as the operating room of a surgeon must be in all respects, so should be the creamery and cheese factory to insure best results. This may seem to be putting it rather strong, but in the main I believe it is true.

To my mind it is a travesty on the intelligence of the American that we have to go across the water to Denmark and Sweden to learn what true milk sanitation is.

I know we have institutions of learning in this country which teach thorough sanitation in connection with the handling of milk and all dairy products.



Our national government does not interest itself to the extent they do over there in these matters. Perhaps the reason is to be found in the fact that we do business on so much larger a scale, and again in the dairy sections of Europe the people have not gone money mad to the extent we have here.

Be this as it may, we surely are in need of laws, rules and regulations which will compel better sanitary conditions surrounding the manufacture of all dairy products.

We Americans are filled with pity and sympathy for the unthinking boy who shoots his playmate with the gun he did not know was loaded. We also pity the family who, by reason of not having taken the necessary precautions to prevent it, become afflicted with typhoid, diphtheria or other infectious or contagious diseases.

But what shall we say or feel in regard to the creamery or cheese factory operator who has his place of preparing foods for the public swarming with all kinds of dangerous germs by reason of the lack of the necessary sanitary precautions. He, too, may say that he did not know they were loaded. But he *should* know and should be compelled to take notice. Close inspection, and rigid enforcement of the well known sanitary rules under the state and federal laws is the remedy I would suggest.

Thorough sterilization with hot water for all vessels used which come in direct contact with milk or cream. Disinfection with formaldehyde of the floors, platforms and driveways will effectually cleanse the surroundings, whether internal or external, of any creamery or cheese factory if used liberally and often. One part formaldehyde to sixty-five parts of water will make a solution that will kill any germ found loafing around any milk dispensary or butter or cheese factory.

If I may be allowed to go a little further and touch upon the cream as it is received at some of the factories, we may find a very prolific source of the direct cause of insanitation in and around some factories.

Close competition for business induced factory operators and solicitors for cream to encourage dairymen to keep their cream for too long a time before delivering it to the factory, or it is hauled too long a distance to the railroad, then over too long a route by rail before reaching the place of manufacture.

And who is to be blamed for this? either the manager or the operator or both, all for the purpose of making a little more money at the expense of the quality of the goods produced.

When will we Americans learn to consider quality first and profit second? And when will we learn that quality and perfect sanitary conditions go hand in hand, from the cow to the consumer? Not while the conditions are such as have prevailed for the past year or so, at least not while first quality butter is scored only one or two points above firsts and prices rule universally as high as now.

We Americans love money more than reputation. Money obtained by the least effort is the most sought and encouraged. So it has been impressed on my mind more forcibly than ever before, that to obtain anything like thorough sanitary conditions in and around our creameries and cheese factories, it will require rigid enforcement of our Food and Dairy laws and rulings by the Food and Dairy Inspectors of all the states including the federal authorities.

### ANTISEPTICS IN TOMATO CATSUP.

FLOYD W. ROBISON.

State Analyst of Michigan.

The discussion of antiseptics in tomato catsup for all practical purposes may be limited to salicylic and benzoic acids and their sodium salts and, indeed, lately may be confined almost exclusively to benzoic acid and its sodium salt. This is true at least, so far as the Michigan market is concerned, and I see no reason why the Michigan market should differ in this respect from that of any other state.

Of all food products into which preservative enters, it is usually agreed by those favoring its use, that there is the greatest excuse for its employment in tomato catsup. Certain it is that this product is the one first mentioned by the manufacturer in his endeavor to establish a firm foundation for the use of preservatives.

Whatever ingredients are permitted to enter into food products it is generally conceded by scientists that an article, preservative, or other foreign substance should never be added except the food product is improved or made edible by such addition. In this connection I may be pardoned for quoting at length from an address given by Dr. V. C.

Vaughan of the Michigan University before the International Pure Food Congress in St. Louis. "The experiments that have been made upon saccharine are contradictory, and until it has been abundantly proved that saccharine is not harmful, it certainly should not be used. Now here is a substance which everybody admits is not a food, and as it is taken into the body and passes through the body unchanged, it does not furnish us with any energy at all; we are not able to do any more work with it than we are without it. Now it is a serious question with all things of this kind whether they can pass through the body without doing the body harm. The kidneys are doing some work, and they are doing the work of excreting a thing which has been of no service to the body whatever, and it is fair to presume in all of these cases that a substance that is of no good to the body and which the organs of absorption of the body must take in and which the other organs must cast out, is harmful to the body because it is throwing upon both sets of organs work which does not add one iota to the energy or strength of the body, and it is fair to presume at the very start that those things are harmful, and until saccharine is absolutely shown to be harmless, it should not be administered or allowed in any food."

Acknowledging the above position to be a sane one, and I have quoted it simply because it is the position taken by the leading physiological chemists of the world and applies in the main with particular force to preservative agents, it then becomes the privilege of the people to demand that before a preservative shall be used in a food its harmlessness, to say the least, must be established beyond the shadow of a doubt. In plainer language the burden of proof must rest upon the manufacturer and not upon the people. It manifestly makes a great difference in protecting the interests of the consumer whether the burden of proof rests upon the people or upon the manufacturer. The statute should read, not that foreign products in food products may be condemned if they are injurious, but that they shall not be allowed unless they are noninjurious. With the burden of proof resting upon the manufacturer, where it properly belongs, the people are compelled to show, simply, that any article of food contains a substance foreign to it when pure, and on this finding alone it becomes condemned unless the manufacturers furnish proof beyond the rebuttal of the people that the article in question is noninjurious to the public health.

In the winter of 1905 and 1906 the Michigan Dairy and Food Department took up the study of the question of harmfulness of preservatives and the subject has been under study since that date. The lack of a national food law at that time made such experimental work imperative, especially in view of the activity of certain interests seeking to commit the state to some decisive stand favorable to the use of preservatives. This work, while undertaken from a different standpoint than the elaborate experiments of the U. S. Bureau of Chemistry, is furnishing data of untold value. The subject is being studied in the following manner:

1. Is the preservative dissolved and absorbed by the body fluids?—Animal experiments.

2. If absorbed, has the preservative any detrimental effect on the body fluids?

A. Does the absorbed preservative have any retarding effect on the action of the digestive agents in the body?

B. Is the preservative in the strength wherein there is no appreciable retarding effect in reality a preservative?

C. What will be the effect of feeding to young animals for a long period of time in the food such a quantity of a preservative as has been shown is the least quantity that will act as a preservative and possibly as A above has shown is the greatest quantity that has no retarding influence on digestion?

The above is the problem.

We have shown in a thorough experiment on dogs conducted through one winter that salicylic acid, benzoic acid, sodium benzoate, sodium sulphite, formaldehyde, borax and boric acid are all dissolved by the body fluids and are eliminated largely in the urine as was expected. Salicylic acid and sodium benzoate exert retarding influence upon the digestive fluids clearly in the concentration of 1 to 1000. Sodium benzoate short of a concentration of 1 to 200 is not a complete preservative and in that concentration its retarding effect upon digestion is very marked indeed, and this brings me to the main point that I shall dwell upon in this paper, although not at great length.

The preservative that is to be employed in tomato catsup must be used in sufficient quantities to insure its acting as a perfect and complete preservative. It so happens that the



problem greatest to the manufacturer in the preparation of tomato catsup is not the one most serious to the consumer. The former's object is to get the product upon the market in such a condition that its salability is not destroyed by fermentations, etc. For the consumer it is far better that the catsup should ferment and thus not be consumed by him than that an unwholesome, unclean product be taken into his system. It is true that aside from the molds that get into the product, the organisms that cause tomato catsup to ferment are the consumers' best indicators of the lack of proper sanitary precautions having been taken in the manufacture of the product. To render them temporarily inactive by the employment of a preservative in quantities below complete sterilization is to remove the warning signal which is the consumers' best guide.

The use of sodium benzoate in the strength of 1 to 1,000 does not render the catsup much less liable to transmit disease. It does, however, retard the souring and acts as the manufacturer's friend at the consumer's expense. If sodium benzoate is to be used as a preservative in tomato catsup it must be used in quantities greater than 1 to 500. In fact my experiments indicate that there is not complete inactivity of the organisms above 1 to 200 and even in this concentration the organisms are not destroyed. Probably a 1 per cent concentration would be as low as could safely be relied upon in all cases and the preservative if used should be employed in this strength. The real problem to be studied then is, not what is the effect of 5/100 per cent sodium benzoate or 1/10 per cent sodium benzoate upon the human system, but what effect has 5/10 per cent or 1 per cent of the preservative?

This question is easily answered as to the influence of salicylic acid and sodium benzoate—the two catsup preservatives—on digestion in vitro. One per cent salicylic acid and 1 per cent sodium benzoate each completely inhibits gastric digestion and a corresponding retarding influence is noticeable as low as 1 to 2,000.

What the effect on young animals or on human subjects of feeding the preservatives mentioned in quantities that conform to the requirements mentioned above, I am not prepared at this time to state. From analogy I should expect to find quite decided results if continued for a period of some length. Certain it is that based on my present knowledge my vote would be assuredly unfavorable to the preservatives mentioned. The situation as it appears to me at present is, in part, not at all unlike the pasteurization of milk as I view that operation and its effect on the product.

Another point which we are compelled to take cognizance of is the effect of the employment of the preservative (quantity not considered here) on the grade or quality of the tomato catsup itself. Who of us have not seen the tomato catsup bottle on the lunch counter, which if not liberally supplied with preservatives could not have remained there ten hours? This is, of course, the dealers' and venders' problem in this instance, but the unnatural condition of the product makes possible filthy and unsanitary conditions all along the lines and here again it is the safety of the consumer and not the expedient of the producer that must be catered to.

From my experiments thus far I must condemn salicylic acid and sodium benzoate in tomato catsup. The remedy, complete sterilization, in what manner it is not my function to explain, nor would I be justified in spending time on that phase of the problem, but the consumer must be protected in these matters with firmness and certainty, but, gentlemen, not with malice. And our experience teaches us that when the manufacturer becomes convinced (and we mean to convince him) of the sincerity of our efforts and the entire nonprejudicial outline and prosecution of our experimental work with what I know will be business-like, sane application thereof, the manufacturer and producer will not be the last to give it his sanction and support.

#### **RESTRICTIONS OF ARTIFICIAL COLOR IN THE PREPARATION OF FOOD PRODUCTS WITH SPECIFIC RECOMMENDATIONS.**

• BY PROF. JULIUS HORTVET,  
State Chemist of Minnesota.

The question of artificial coloring is one of the most important and difficult of the many that have arisen in connection with the attention given to the adulteration of foods. Associated with it in importance is the question regarding the use of preservatives, and also of equal importance comes the question of labeling. These three appear to me to cover practically all of the leading difficulties which confront food officials, manufacturers and dealers. When we have found

an answer, in part at least, for one of these questions, we also find a solution of some of the difficulties that underlie the others.

It is true that much of the coloring of foods is traditional and aesthetic. We of the human species ever have been mindful as to "how nature paints her colors"; we always have been imitators. We have within us the inborn disposition to employ exterior embellishments primarily to please the eye. The food manufacturer from time immemorial has realized the necessity of striving to adorn his product "with some fine color that may please the eye of fickle changelings." Thus candies, desserts, sauces and certain so called "soft drinks" obviously are colored merely to render them attractive in appearance.

The confectioner seeks to give pleasing variety to his stock, the chef feels his obligation to satisfy the sight as well as the taste, and the soda fountain attendant likewise does not fulfill his whole duty when he has simply allayed a thirst. These all are legitimate objects and the disposition to attain them is at least one of the minor virtues of the race. The aesthetic sense has its place in the confectionery store, the grocery and the kitchen. It should be encouraged, cultivated and trained.

But there is another trait, inherent or developed, in our



**PROF. JULIUS HORTVET,**  
Chemist Minnesota Dairy and Food Commission.

species—the eagerness for pecuniary gain. We have been tempted by the material reward and have allowed our higher sense to fall a victim to shams and deceptions. It has become only too sadly true that many of us have been prone even to "botch and bungle up damnation with patches, colors and with forms."

We have learned the art of manufacturing imitations and we have discovered that color is one of the most useful of all deceptive devices.

The use of colors as an aid to deception is found largely in the manufacture of substitutes. Colors often have been used to conceal inferiority or falsification, or, like the use of the dead bee in the jar of honey flavored glucose, to give verisimilitude. Skimmed milk has been colored to give the appearance of richness, dilute alcohol to imitate wine and acetic acid to imitate cider vinegar.

Thus in general there have arisen two motives underlying the use of coloring in foods. These are not defined clearly in the popular mind, and we often fail to discriminate between that which is legitimate and that which in its nature is intended to deceive. It is acknowledged universally that the natural colors of foods are among the truest representations of purity and quality. It does not follow, however, as a corollary that in all cases an artificial color is, per se, a deception.

It is true in large measure that with the aid of artificial coloring matter "every article of food has in appearance been successfully imitated," but it is not true that in every



article of food in which artificial coloring is used there is an intention to deceive or defraud. Many of these products are colored without any intention to deceive as to quality or purity. There can be no criticism on the efforts of manufacturers to make their products pleasing to the eye, providing there be no possibility of deception. Even the use of harmless coloring to restore the appearance of a product of otherwise good quality is open to question chiefly on the ground of concealing inferiority.

There have been and there are to-day extremists on both sides of this controversy. There are those who say unqualifiedly, "The use of artificial coloring is in the very nature of the case an effort to deceive." On the other hand, there are many who view the matter in the light expressed in the following quotation taken from an editorial which appeared in one of our leading magazines over a year ago:

"Some state laws go so far as to inflict fine and imprisonment for making an article appear better than it really is. If we must have legislation in regard to this, it would be wiser to reverse it and punish the man who did not make his food product as attractive as possible. Who will say that a table set with green pickles, red catsup, yellow butter and with candles, ice cream and jellies of all the colors of the rainbow is less wholesome than with more homely food?"

Both sides of the dispute have at times been lacking in discrimination, even if they have not been lacking in toleration. On the one hand there has been the failure to recognize the common meanings of words, the purposes for which certain products are intended, and the fundamental facts of human nature; on the other hand there have been overstatements, exaggerations, and categorical assertions.

It would be impossible, and it doubtless is unnecessary, to analyze all the popular arguments, pro and con, in detail. Many statements are too far fetched even to deserve critical attention; they catch the eye, but they fail to convince the understanding. The food chemist, above all others, should distinguish carefully between the two chief purposes for which colors are used in foods. He should recognize, for example, that in the case of candies many non-alcoholic and alcoholic liquors, dessert preparations, sauces, etc., the chief or only question involved is the wholesomeness of the color used, but that the addition of coloring to such products as fruit preserves, jellies, fruit juices, wines and whisks, cider vinegars and spices is essentially a deception and an injury to the buyer or user.

The use of even a harmless color to restore the appearance of a natural product is a deception, as it disguises the quality of the materials used. The plea that it is necessary to resort to artificial coloring in order to maintain uniformity in appearance is also open to objection on the same grounds. A table set with green pickles (artificially colored), red catsup and yellow butter certainly is a fraud, even in the case of the colored butter. And why not except the butter? I think we all understand the situation as to yellow butter. You know that certain animals have protective colorings as well as other attributes given them by nature for the purpose of self preservation. So it is with artificially colored butter.

Naturally butter has a color varying with the season of the year from a pale straw tint to a pronounced yellow. As a matter of tradition, also, we know that the housewife has colored her butter, using such harmless material as she obtained from carrots and other vegetable sources. This mainly was to satisfy her aesthetic sense, not for purposes of deception, although in many instances the deception was there.

The words "yellow butter" became descriptive of the product. Then came oleomargarine, that erstwhile "filthy and unwholesome conglomeration" made to "drive out butter and ruin our agricultural communities." And there was, indeed, a real and imposing danger, for oleomargarine assumed the color of yellow butter. Is the danger any less to-day than it was several years ago? Not at all; remove the added color from dairy butter, and only the chemist can positively distinguish between the two competing products.

So to-day the situation simply is this, that butter must retain its color as a defensive measure, and to such device the agricultural communities and the butter makers are amply entitled. I do not think most of us have a real preference for either yellow butter or yellow oleomargarine. We would probably prefer that both products contain no artificial coloring, but before we can complain that the butter makers color their butter it will be necessary that the oleomargarine manufacturers cease coloring or manipulating their product so as to resemble yellow butter.

The point has been raised that the amount of coloring matter employed is never large in proportion to the whole

product. It is a serious question, however, whether, as a matter of good policy, a color should be permitted at all in ever so small an amount when it is known to possess harmful properties. It is a poor defense of the use of coal tar colors, as well as of other foreign substances which have been added to foods, to say that the word "poison" has a broad meaning; that toxicologists give lengthy definitions that are not wholly satisfactory; that age, physical condition and individual idiosyncrasy enter largely into the problem; that there are few substances that might not be poisonous to some persons; and that there are many substances, commonly regarded poisons, which, when properly used, are capable of acting beneficially.

We know, of course, that certain substances, as salt and saltpeter, have caused death from the effects of large doses; that alcohol is classed as a poison; that, in short, the whole question sometimes is relative; but there can be no question to-day as to what commonly is meant by a "poisonous substance." We are not contending that certain articles commonly used in our foods may or may not under certain circumstances act as poisons; we are simply defending ourselves against two possible evils; first, the addition to our foods of any substances that will tend to augment the possibilities of harm arising from our daily diet; second, the addition to our foods of substances having therapeutic or even toxic properties by persons unqualified to prescribe such substances.

As a continued movement toward better conditions, it is imperative that the use of coloring matters should be kept under intelligent control. Regulation of the food industries will in future depend more than ever before on the results of scientific investigations, and the laboratory will become the dominant factor in the shaping of food standards and food laws. This prediction leads to the first recommendation which I have to make, viz.:

(1) All coloring substances or classes of colors that are open to suspicion, in whole or in part, should be prohibited until such time as such suspicion may be entirely removed. In other words, any substances should not be permitted that have not been shown by competent authority on special investigation to be harmless.

Also I will recommend that:

(2) All coloring substances or preparations which are liable to contain harmful ingredients or which are known to be poisonous under certain conditions, or which tend to any extent to interfere with the normal bodily functions, should be prohibited in foods.

(3) There is a large class of food products, such as fruit jams, preserves, jellies, canned fruits and vegetables and catsups, which have distinct natural colors of their own. The methods of manufacturing these products and preparing them for market should be developed more and more so as to retain to the greatest extent possible the natural colors. The addition of coloring matter of any kind to these products, whether for the purpose of restoring natural colors or tints or for the purpose of securing uniformity of appearance, should be discouraged and prohibited.

(4) The addition of harmless coloring matter to articles of food or drink that do not have characteristic distinctive colors of their own should be permitted in all cases where there can be no deception or fraud. The legitimate exercise of the aesthetic taste in these matters should not be restricted or discouraged.

### COLOR IN BUTTER.

(Digest of address delivered by R. M. Washburn, State Dairy and Food Commissioner for Missouri, before the national convention of Pure Food Workers, Jamestown, Va., July 16-19.)

Sentiment against the use of artificial color in our foods is growing rapidly and for one I am glad of it, but so long as the use of any artificial color is permitted in any of our foods, butter should and will continue to be colored during that portion of the year when without color the butter would not look like butter. Not for the sake of deception is this done, but for the sake of uniformity. During spring and early summer the natural season for the giving of milk—the season during which practically all of the butter of a few years ago was made—during this season butter is naturally yellow. From time immemorial butter has been yellow. The people still demand yellow butter. When the cows were developed to give milk through the winter season they became, to that extent, artificial creatures. During this portion of the year they produce a butter with an artificial



(almost white) color. It is during this season that coloring is necessary that the butter may have a natural color.

Imitation butter, oleomargarine, is colored for the sole purpose of making it look something which it is not. It is only when oleomargarine looks like butter that it can be sold to the unsuspecting consumer as butter, which is the case with about \$25,000 worth every month in the city of St. Louis, Missouri.

Butter is colored that it may look like butter all the year around. Likewise oleomargarine is colored that it may look

bly we have to thank the food manufacturers for the present condition of our taste in regard to color in foods, and it may take some time to undo the evil that has been done and persuade the people to be willing to accept nature unadorned.

One of two positions must be taken by the boards of individual states, either to prohibit all coloring matters in foods or to allow certain prescribed colors. If we allow the use of added colors to food products only in those cases where this use would not tend to deceive the customer as to the quality of the product, it would seem that the true object of the law would be attained.

If this principle is applied in concrete cases its effect can be more readily appreciated. There is no excuse for added coloring in such food products as jams, jellies, preserves, pickles, peas, or string beans. Extracts can be made without the use of any artificial color, and even such a prod-



HON. R. M. WASHBURN,  
Dairy and Food Commissioner of Missouri.

like butter all the year around. One is honest and the other dishonest.

When all coloring matter is prohibited from all food stuffs the dairymen will cease coloring. They do not ask special favors, but they do demand that dishonest competition cease.

Let us welcome the day when all food shall come to our tables unmuddled by any artificial color.

#### THE IMPORTANCE OF PROHIBITING THE USE OF ARTIFICIAL COLORING WHERE IT IS USED FOR THE PURPOSE OF DECEPTION.

BY PROF. E. H. S. BAILEY.

Chemist, Kansas State Board of Health.

In discussing this subject the author points out that there could have been no other object originally in the use of coloring in foods than to restore that which had been lost by the process of preserving or curing. On account of our susceptibility to suggestion, a bright color tends to make the food more palatable, if that color properly belongs to the original fresh product.

It is a very easy transition to make use of the color for the purpose of putting upon the market a food that appears better than it really is, by which process the purchaser is deceived.

It is an interesting question how far, since a bright color appeals to the aesthetic sense, the manufacturer shall be allowed to take advantage of this psychological fact. Prob-



PROF. E. H. S. BAILEY,  
Analyst Kansas State Board of Health.

uct as vinegar may be put upon the market without artificial color and pass for what it really is.

There is really no reason why dairy products should not also be included in the application of this principle, but confectionery, since it is usually colored simply to make the product pleasing to the eye, would not necessarily be affected. Although this position may seem somewhat radical, it will certainly make it easier to sift good food products from bad and keep out of the market a lot of questionable food.

#### "NO IMPURE UNRECTIFIED OR UNREFINED WHISKY CAN BE SOLD IN PORTO RICO."

In the regulations of the Bureau of Health of Porto Rico governing the importation, sale, etc., of foods and drugs, there appears the following on the subject of whisky:

"No article can be sold, stored, offered, or exposed for sale, nor be transported in or into Porto Rico, with the purpose of selling, storing, exposing or offering it for sale therein, as or under the name of whisky, that contains less than 36 per cent of alcohol, by weight, more than 0.2 per cent of fusel oil, relative to the weight of absolute alcohol present, or that contains any substance whatsoever generally recognized as injurious or deleterious to health or that is made by any process other than that generally recognized as the standard process for making genuine whisky, or that does not conform in all respects to the standard for its especial



class (see general regulations applicable to all alcoholic drinks, beverages, etc.)”

This would indicate that “no bottled-in-bond” whisky of 100 proof could be imported into the island if it contained more than 0.1 per cent of fusel oil, and if its proof should be below 100, as is permitted in the case of exports, the percentage of fusel oil would have to be even less.

Only a rectified or refined whisky or a blend will meet the government regulations of Porto Rico.

#### **ADDITIONAL RULINGS ON SPIRITUOUS BEVERAGES FOR SOUTH DAKOTA.**

Owing to numerous questions that have arisen since the new state law and the National Pure Food Law have gone into effect, it has become necessary to make additional rulings in order that the interests of manufacturers who are anxious to comply with the law may not be needlessly jeopardized and that the interests of the consumer may be protected.

10. In ruling 3 occurs the words “Guaranteed not to be under 90 per cent proof.” This means that the liquor carries 45 per cent of absolute alcohol by volume. In lieu of these words a simple statement giving the percentage of alcohol by volume may be used. This accomplishes the same result.

11. Ruling 7 has given rise to many inquiries. In answer the following is appended. Tom Gin must carry 40 per cent alcohol by volume. Sweetened goods, such as Rock and Rye, Arrack Punch, Rum Punch, Kuemmel, and all bitters and cordials must declare on the label the actual per cent of alcohol by volume. These latter goods are simply preparations from liquors. No indefinite label, such as “Manufactured from 90 per cent Proof Rye,” etc., will be allowed.

12. Compound and imitation whiskys must be sold under the following restrictions without the name of the manufacturer appearing on the label:

a. The manufacturer must file with the Food and Dairy Commissioner of this state his serial number and formula according to which the goods are guaranteed to be made.

b. In all cases the goods must be labeled to conform to the other rulings previously promulgated, and in addition must bear the United States serial number and place of manufacture.

c. Every package must bear a label stating for whom the goods were prepared. For example: “Bottled expressly for John Doe.” But “John Doe” must be the actual retailer for whom the goods were prepared.

d. Before any goods of this description can be sent into the state the manufacturer must file his serial number and formula and submit labels to the Commissioner for his approval.

e. If any abuses arise under this ruling the right to cancel it without notice is reserved.

13. Concerning the use of harmless coloring and flavors in blends and compounds, the United States Rulings will be followed. But no coal tar dyes are allowed.

A. H. WEATON,

Food and Dairy Commissioner.

Brookings, South Dakota, August 1, 1907.

The American Food Journal, 334 Dearborn street, Chicago, Ill., publishes monthly at \$1.00 per year all the news from the city, state and national food and dairy control departments.

#### **BOOK REVIEW.**

*Art and Science of Window Dressing.*

EDITED BY S. W. ROTH.

Under this title is collected much information that every merchant should possess and understand how to utilize. Of course the larger grocers can and do employ expert window trimmers, but the smaller concerns cannot afford to pay the wages this class of artisans command and must be their own artist as well as janitor. The work of Mr. Roth contains short but instructive chapters on Value of Window Dressing, the Show Window, Expressions of Genius, “Art and Ethics, Effective Displays,” “Technique of Window Dressing,” “Sweetening Windows,” “Handling Decorations,” “Trimming a Plain Window,” “Trick Windows,” “Show Cards and Bulletins,” “Sidewalk Bulletin,” “Vegetable Displays,” “Timely Hints.” The work is illustrated with 25 plates of typical window displays. Unless the grocer has a large and unusual amount of information on these topics he cannot fail to be pleased with this little book. Price \$2.00. The Retailers’ Journal, Chicago, Ill.

“The Chemistry of the Sugar Cane and Its Products in Louisiana,” by C. A. Browne, Jr., and R. E. Blouin, shows much painstaking analysis of these products. Among the subjects considered are “Proximate Analysis of Sugar Cane,” “The Physiology of the Growth and Ripening of Sugar Cane,” “The Physiological Role of the Enzymes of the Sugar Cane,” “Composition of Sugar Cane Juice and Methods of Extraction and Clarification,” and “Effects of Fermentation Upon the Composition of Sugar Cane Products.” This valuable bulletin is free on application.

## **The Way of the Transgressor is Lard**

The difference between COTTOLENE and lard is just this: COTTOLENE is a vegetable product made from the purest cottonseed oil; lard is an animal product made from hog fat.

COTTOLENE is pure, wholesome and digestible; lard is often impure and always indigestible.

COTTOLENE is sold only in sealed, air-tight tin pails, keeping it always fresh and sweet; lard is usually sold in bulk, exposed to dust and dirt and the odors of fish, kerosene, etc., so common in most groceries.

COTTOLENE is richer than either lard or cooking butter, one-third less being required.

COTTOLENE shortens your food, lengthens your life; it’s “the perfect shortening.”

Made by

**The N. K. Fairbank  
Company**





# Henderson Bourbon and Maryland Reserve Rye

Analysis Proves them to be

## PURE FOOD WHISKIES

Up to Standard and True to Label

For Sale by

**BREEN & KENNEDY**

187-189 Washington Street  
CHICAGO



## Cause of Rheumatism

An eminent physician says—that rheumatism is the direct result of improper eating and may be absolutely cured by leaving out your dietary animal foods of all kinds and living on cereals, fruits, nuts and vegetables. A diet consisting of milk and cereal foods will cure the most acute form of Rheumatism, while those who live mainly on animal foods cannot escape it.

## DR. PRICE'S WHEAT FLAKE CELERY FOOD

is rich in potassium and sodium—essentials of the diet of persons with rheumatic dispositions. The whole wheat berry being used, the food becomes a regulator of the bowels.

**Palatable — Nutritious — Easy of Digestion and Ready to Eat**

Can be served hot. Put in a hot oven for a few minutes; or cook in boiling milk.

**10c a package**  
All Grocers

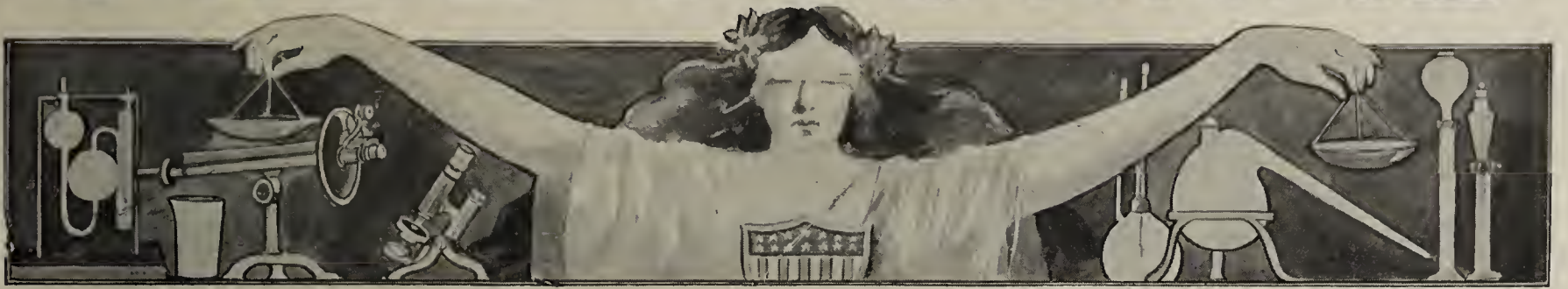
*My Signature*  
on every  
package

*Dr. V. C. Price*

82



# THE AMERICAN FOOD JOURNAL



Vol. II No. 9

CHICAGO, SEPTEMBER 15, 1907

10c. Per Copy  
Monthly \$1.00 Per Year



**HON. E. F. LADD,**  
North Dakota Food Commissioner



# Corn Products Manufacturing Co.

The Heyworth Building. Chicago

## Corn Syrups, Glucose, Grape Sugar, Corn Starch, Confectioners' T. B. Starch

'Karo Corn Syrup is a Pure Food Product.  
Its Ingredients, Corn Syrup 85% and Re-  
finers Syrup 15% are of the Highest Quality  
and prepared according to U. S. Standards.'

ALL PRODUCTS GUARANTEED UNDER THE  
FOOD AND DRUGS ACT, JUNE 30, 1906.

## ATLAS Harmless Synthetic Colors

ATLAS VEGETABLE COLORS  
IN PASTE OR DRY FORM

### Atlas Carmine

No. 40

Guaranteed absolutely free  
from coal tar matter. Has  
no equal in strength, clearness  
or brilliancy.



### Koncentrona

:: :: OUR NEW :: ::  
VEGETABLE BROWN

To replace Coal Tar or Iron  
Browns. The only adaptable  
Vegetable Brown, very strong  
and correct in shade.

## H. KOHNSTAMM & COMPANY

Established 1851

112 Franklin Street, CHICAGO

87 Park Place, NEW YORK



# THE AMERICAN FOOD JOURNAL



Vol. 2. No. 9.

CHICAGO, SEPTEMBER 15, 1907.

Monthly, \$1 Per Year.  
10c Per Copy.

## ADDRESSES DELIVERED

AT THE

### Eleventh Annual Convention

OF THE

## Association of State and National Food and Dairy Departments

At Jamestown Ter-Centennial Exposition

July 16th to 19th, '07.

### BLEACHING OF FLOUR.

BY E. F. LADD, CHEMIST AND FOOD COMMISSIONER FOR NORTH  
DAKOTA.

I take it that among food commissioners, health officers and sanitarians, it may be considered almost as an axiomatic principle that the addition of any unnecessary chemical to a food or beverage shall not be deemed as justifiable or lawful in any product until it has been clearly and satisfactorily proven that the chemical or drug as found in the food, should it there remain, is entirely harmless, that it does not injure or in any way lessen the food value and that fraud in its use is not thereby abetted. Thus the burden of proof falls as it should upon those who would add foreign and unnecessary chemicals of whatsoever kind to any article of food or beverage intended for general consumption of the people at large and not upon those whose duty it is to see that the laws are enforced.

In other words is it permissible to use either in foods or beverages products the effect of which upon the system are not well understood? Products which if harmful, used in continuous but minute quantities, can only produce injury after a long period of time. Are we justified in permitting the use of any unnecessary chemical product in food until it has been clearly demonstrated to the satisfaction of the best experts and to the satisfaction of the people at large that the use of such product is absolutely harmless? Has any manufacturer or producer of foods either a legal or a moral right to introduce unbeknown to the consuming public

any active chemical into a food until it has been proven perfectly harmless, or until it has been satisfactorily demonstrated that it in no way injures its food values?

Are we not often enough afflicted with impaired digestion and other ailments, the cause for which are not well understood, without permitting manufacturers or any one else for that matter, to add even the minutest trace of any contaminating product of uncertain physiological action? What good comes to the consumer from permitting the use of oxides of nitrogen or of nitrogen absorption, substitution or addition products or of nitrites in our food?

Anilin butter color was said to be harmless, but it has caused the death of at least two children in North Dakota, and we do not know to what extent it is undermining the health of our people, since it is used in such minute quantities and in only one article of food. Shall we now permit the introduction even in minute quantities into a product so generally employed as a basis of food as is flour, of a chemical wholly unnecessary in the manufacture and concerning the ultimate effect upon the health of which we know so little?

Winton says: "The chemical bleaching of flour is a matter of grave importance, because the treatment may affect the quality and wholesomeness of the product."

Dr. Wiley says: "At the present time flour is extensively bleached for the purpose of making an inferior article resemble a superior one."

A committee of the Paris Association of Bakers made a study of the subject of bleaching and from the commercial



tests usually employed by bakers concluded that, although the appearance of the flour was improved by the bleaching, the flour itself and the bread made from it had suffered in flavor, and this fact alone was sufficient to condemn the process. They further concluded that it is inadvisable to introduce into a natural product *par excellence*, chemicals which, without adding to its real value, may, on long continued use, prove to be harmful.

The question of the bleaching of flour is therefore one of vital importance because it affects all people since we are dealing with the most important food product used by man, and it is advisable that there be made as complete an investigation as possible of all features of the subject of bleaching.

The North Dakota Experimental Station has been engaged for some time in such an investigation, especially so with regard to the chemical features. Many arguments and statements have been put forth in defense of the process, none of which seems to the writer to possess sufficient merit to warrant the passing of our final decision upon this data and the argument presented for consideration. For example, the argument that since saliva contains sometimes nitrites (whether this be normal or abnormal has not been shown), therefore the further addition of nitrites to food can do no harm, is as groundless as would be the statement that since saliva contains potassium sulphocyanide, therefore this poisonous product should be added to our food. Its use as a medicine might be proper but the presence of either in saliva is no real argument for their use as a food.

Hydrochloric acid is a normal constituent of gastric fluids but we do not find physicians recommending its use as a beverage or food even in minute quantities.

Bleaching as investigated by the author has been produced either by the decomposition of  $\text{HNO}_3$  by an electric current, or by the discharge through the air of an electric current causing the union of the nitrogen and oxygen of the air. All agree that the same agent does the bleaching no matter which method is employed, and the principal bleaching agent is the peroxide of nitrogen. This leads us therefore first to consider.

#### METHODS OF DETECTING BLEACHED FLOURS.

First—Griess method as adapted from water analysis is as follows: Shake up say 50 grams of flour with water for 15 minutes in a flask, filter and treat the filtrate for nitrites as in water analysis. The pink coloration gives some idea of the extent of bleaching. The only objection to this method is its delicacy. Unbleached flour stored along side of bleached flours gives a trace of nitrites, but the careful chemist can distinguish by this method bleached from unbleached flours. The results by this method, if determined quantitatively are low, since it is only the soluble nitrous acid (?) or nitrites (?) that are estimated and those that are absorbed (?) by the fat or combined in the fat and gluten are not estimated by this method of determination. This is clearly indicated further on.

Second—Fleurents method (somewhat modified). The fat is extracted from 50 grams of flour by ether, filtered, dried for two hours, taken up with petroleum ether and this evaporated to dryness. Now add 2 to 3 c. c. of amyl acetate until the fat is dissolved, then add about 5 c. c. of alcoholic potash (10 grams KOH to the liter). If the flour has been bleached the resulting solution has an orange or reddish tint. If unbleached the solution has a yellow color.

Precaution should be taken to have an aldehyde free alcohol and this was prepared by the method of Dunlap and Bailey (American Journal Chemical Society, March, 1906), and is as follows:

One liter of alcohol is taken and to this is added two grams of KOH. Of silver nitrate  $\frac{1}{2}$  gram is dissolved in a small quantity of alcohol, and this gradually added to the alcoholic KOH in a cylinder. Shake thoroughly and allow to stand for 12 hours then decant off the alcohol and distill. The distillate is aldehyde free alcohol.

This method has been found to be very accurate and one may when working with care detect even the slightest bleaching.

Unbleached flours stored along side of bleached flours do not show a trace of orange coloration thus making the method more satisfactory than the proceeding one for the detection of bleached flour.

Since the bleaching of flour in a large measure so far as apparent improvement in appearance is concerned, consists in the bleaching of the strongly yellow colored oil contained in the flour in order to ascertain, if possible, what changes the oil had undergone in the bleaching process, a number of oils were extracted from bleached and unbleached flours and

these oils then examined. In each case about 200 grams of flour were thoroughly extracted with ether, the ether distilled off and the residue taken up in redistilled petroleum ether, the solution carefully filtered, and the petroleum ether thoroughly evaporated off. The yield of oil is usually about two cubic centimeters.

*Wheat Flour Oil No. 1* was obtained from a "clear" unbleached flour which had been in the station laboratory nine months.

Refractometer reading at  $25^\circ \text{C.} = 58.0^\circ$   
Refractometer reading at  $40^\circ \text{C.} = 49.5^\circ$   
Iodine number (Hanus Mod.)  $= 101.2^\circ$

Odor, wholesome, not at all rancid.

The aqueous extract from the flour tested with naphthylamine for nitrites gave negative results.

*Wheat Flour Oil No. 2* was obtained from the same flour as No. 1, but in this case the flour had been well bleached. It had stood the same length of time in the laboratory (9 months) after bleaching.

Refractometer reading at  $25^\circ \text{C.} = 76.0^\circ$   
Refractometer reading at  $40^\circ \text{C.} = 70.0^\circ$   
Iodine number  $= 84.1^\circ$

Odor, peculiar, pungent, rancid, the oil being stringy and glue-like.

Test with naphthylamine on the flour indicated nitrites present in considerable quantity.

These two oils were then examined for the presence of combined nitrogen. A piece of well cleaned sodium was strongly heated in an ignition tube and three drops of the wheat flour oil was then allowed to fall upon the partly vaporized sodium. When cool the contents of the tube was treated first with a little alcohol and afterwards with water. This solution was then filtered, treated with a few drops of sodium hydroxide solution and of ferrous sulphate solution, and then boiled for a minute or two. Just enough of dilute hydrochloric acid was then added to dissolve the precipitate, and finally was added a drop or two of ferric chloride solution. The presence of nitrogen is indicated by the formation of a precipitate of Prussian blue, which if scanty may remain for a considerable time in suspension giving a greenish blue color to the solution.

The oil from the unbleached flour gave no trace of combined nitrogen, while the oil from the bleached flour gave a copious precipitate of Prussian blue, indicating the presence of a considerable quantity of combined nitrogen in the oil.

It has been claimed by the advocates of bleaching that it simply ripens the flour, in exactly the same manner as ageing the flour, by allowing it to stand one to four months before being consumed. In other words it merely hastens nature's processes. If this be true the above oils should have had closely the same refractometer readings and closely the same iodine numbers. The experiment further shows that the nitrogen is not simply absorbed as has often been claimed but is in combination.

*Wheat Flour Oil No. 3* was obtained from a "first patent" unbleached flour which had been put up in an air tight glass jar as soon as received in the laboratory and had been kept in that manner for a month.

Refractometer reading at  $25^\circ \text{C.} = 85.0^\circ$   
Refractometer reading at  $40^\circ \text{C.} = 78.0^\circ$   
Iodine number  $= 102.9^\circ$

Odor, characteristic fresh flour odor.

The flour gave no reaction for nitrous acid or nitrites with naphthylamine hydrochloride.

Test for combined nitrogen with metallic sodium gave no trace of Prussian blue.

*Wheat Flour Oil No. 4* was obtained from the same flour as No. 3, but the bag was allowed to remain in contact with some bags of bleached flour in a large zinc lined box for one month.

Refractometer reading at  $25^\circ \text{C.} = 88.0^\circ$   
Refractometer reading at  $40^\circ \text{C.} = 82.0^\circ$   
Iodine number  $= 101.8^\circ$

The flour reacted strongly for nitrites with naphthylamine.

The oil tested for nitrogen with metallic sodium gave a decided precipitate of Prussian blue.

A loaf of bread of standard size was made from a bleached flour in the same way that test loaves are usually prepared, but without the addition of any foreign fat. The loaf was dried, ground to a fine meal and extracted with ether as described above, the oil obtained from it was of greater consistency than the oils obtained from the flour. On being tested for combined nitrogen it was found to be present without question, but in much less quantity than in the above flour oils.



The oil was extracted from several flours which were known to have been bleached and in each case the sodium test indicated the presence of combined nitrogen which would seem to show that the bleaching of flour with chemicals is distinctly different from the natural ageing of flour and that the presence of nitrogen in the oil obtained from bleached flour may be made to serve as a test for the detection of bleached flour as indicated above.

It is possible that flour bleached by other methods than those with which the author is familiar may not respond to this test, but it is certainly more reliable than the naphthylamine test, or the difference in color of the soaps produced from the extracted oil as described by the French chemist Fleurent.

#### EFFECT OF BLEACHING ON FLOUR AND ON BREAD.

Flour stored in well ventilated rooms or exposed to sunlight undergoes bleaching to a certain extent. Fat extracted from unbleached flour on exposure to sunlight undergoes a certain amount of bleaching, but in this case the action is entirely different from the artificial bleaching. Fats and flours which have been bleached in the sunlight do not react to Fleurent's test for bleaching; neither do they give reaction for the presence of nitrites by the Griess method, nor do they show in the fat combined nitrogen. Flours kept in the laboratory but away from flours that had been bleached gave none of these reactions at the end of one year, but did show the appearance of bleaching. That the process of bleaching gives identical results, therefore, with that of "ageing" of flour is not true; the only benefit the honest miller can claim, if it can be called a benefit, for bleaching is the fact that the product is made whiter.

Bleaching results in injury to the gluten and therefore in injury to the bread. That the gluten is injured by the process of bleaching may be clearly shown in a study of its expansive properties. If the gluten from like quantities of bleached and unbleached flour be washed out and baked in a Foster's tester we obtain the following results:



#### GLUTENS READING FROM LEFT TO RIGHT.

1st pair (1) unbleached; (2) slight bleached. 2d pair (3) unbleached; (4) strong bleached. 3d pair (5) unbleached; (6) extreme bleached. 4th pair (7) unbleached; (8) extreme bleached.

	Expansion.
Sample No. 1—Unbleached.....	3 inches.
Sample No. 1—Bleached.....	2 $\frac{5}{8}$ inches.
Sample No. 2—Unbleached.....	3 inches.
Sample No. 2—Bleached.....	2 $\frac{3}{4}$ inches.
Sample No. 3—Unbleached.....	3 $\frac{1}{8}$ inches.
Sample No. 3—Bleached.....	3 inches.

This is only a repetition of what has been found repeatedly in our laboratory where commercial samples were examined. In order to show the effect of overbleaching as compared with the same flour unbleached, a quantity of flour was shaken in a flask containing an excess of nitrogen peroxide, the gluten was then washed out and tested as before with the following results for the two samples:

#### 20 GRAMS OF FLOUR TAKEN.

	Wt. of Wet Gluten.	Expansion.
Gluten unbleached.....	7.99 grams	3 inches
Gluten bleached.....	4.99 grams	1 $\frac{3}{8}$ inches

The gluten in the bleached product was stringy, very difficult to wash out and possessed the characteristic smell of modern flour where the bleacher is used. Bread and flour produced by this bleaching was very inferior. It had passed the so-called improving stage, the flour was dark and the bread gray. This condition was similar to not a few samples of flour that have been purchased in the open market and results whenever bleaching machinery has been renovated or the miller is treating his flame too strong.

During the past year many complaints have come to the writer from parties who have been using flour of this type, overbleached, and in not a few instances, housewives have found it necessary to change the brand of flour, all due to the effect of bleaching. Of course the millers do not desire this kind of flour; nevertheless when the process is not kept fully under control such results are secured. The last

experiments seem to indicate the oxidizing effect of the oxide of nitrogen on the gluten and the experiments indicate that there is a union between the nitrogen compound and the gluten itself.

On washing out the gluten from overbleached flour it seems that all nitrogen gases or nitrites absorbed in the flour itself would be washed away. If the washed gluten be tested in the ordinary way by Griess method for nitrites there is no reaction, but if the gluten be allowed to remain in the testing agent for a considerable length of time there may appear a slight coloration. If the same gluten be washed with alcohol to separate the gliadin and this alcoholic solution tested for nitrites we shall get a strong reaction. Carefully conducted experiments with the reagents are negative as are also experiments made with unbleached flour, thus indicating the probability of combination between the nitrogen compound and the gluten itself.

That the nitrogen is not eliminated in baking is shown in the following cases in bread made in the usual way with yeast:

Sample No. 1, bleached slightly—Reacts for nitrites.  
Sample No. 2, bleached strongly—Reacts strongly for nitrites.  
Sample No. 3, bleached for trade—Reacts for nitrites.  
Sample No. 4, unbleached—No reaction for nitrites.  
Sample No. 5, unbleached—No reaction for nitrites.  
Sample No. 6, unbleached—No reaction for nitrites.

The oven used in baking these breads was a carefully constructed gas oven so arranged that there was small, if any, likelihood of gases being absorbed by the bread or even entering the oven. It has been claimed on the one hand that by baking all of the oxides of nitrogen reacting as nitrites are driven off and that the bread will show no reaction and the same authorities assert that if unbleached bread be baked in a gas oven nitrogen products are absorbed and the bread will react for nitrites, to say the least a rather strange occurrence. It has further been asserted that the oxides of nitrogen are simply absorbed in the moisture and therefore easily driven off on heating. That this is not true is fully indicated from the fact that when flour is heated in an oven at the baking temperature and all moisture is driven off there yet remains nitrogen products which give a strong reaction for nitrites. It is further clearly demonstrated by the experiments which we have already pointed out, that some of the nitrogen was in combination with the fat, also in apparent combination in the gluten. From our own experiments we should say, therefore, that the nitrogen compounds exist in the flour in several forms, absorbed as a gas, taken up by the moisture and forming nitrites with bases when such are present, that it enters into combination directly with the gluten itself and combines with the fat to form a tolerably stable compound which changes entirely many of the chemical properties of the fat. The extent of bleaching will determine to a considerable extent the combination.

Quantitatively we have recovered from  $\frac{1}{3}$  to  $\frac{1}{2}$  of the amount of nitrites in the bread that was originally in the flour. Thus far we have dealt only with the question of breads made by the usual process, using yeast as a leavening agent. Our experiments on the other hand indicate that where baking powder is used and biscuits, rolls, and like products are baked that there is a breaking up or at least a disappearance of the nitrites and this fact probably accounts for some of the conflicting statements made by different investigators. The conditions and resulting products are entirely different in the case of bread made with yeast and that made by the use of baking powders and the great majority of bread is now made with the use of yeast as a leavening agent.

#### LOW GRADE FLOUR ADDED TO PATENTS.

A series of experiments were carried out to indicate the amount of low grade flour that could be added to patent flour and "improved." It has been stated that low grade flour cannot be "improved" by bleaching. We have found that bakers' grade can be improved, but not to the same extent as are the better grades. (This is clearly illustrated in the slides which are exhibited.) While macaroni wheat is not inferior to other wheat in our own estimation, by many it is considered to be inferior and is sold at a much lower figure, often from 10 to 20 per cent lower. Macaroni wheat flour is capable of being bleached as will be indicated by the several slides. To a patent 10 per cent of bakers' was added and then bleached and there was secured a whiter product than the original patent. This made a loaf that was whiter than the original patent, but somewhat smaller in size. These facts are indicated in the following table, where the same amount of flour was used in each case:



BREAD FROM MACARONI FLOUR UNBLEACHED AND BLEACHED.



UNBLEACHED.

BLEACHED.

Size of Loaf.  
Patent unbleached.....19<sup>3</sup>/<sub>4</sub>x24<sup>3</sup>/<sub>4</sub> inches  
Patent, bleached for trade.....19<sup>1</sup>/<sub>4</sub>x24 "  
Patent, plus 10 per cent bakers.....19 x23<sup>7</sup>/<sub>8</sub> "  
"The following were made with the use of macaroni when added to patent flour:



LARGE LOAF-UNBLEACHED. SMALL LOAF-EXEREME TREATMENT WITH BLEACHING GAS.

Size of Loaf.  
Patent blended.....19<sup>1</sup>/<sub>4</sub>x24 inches  
Patent, plus 10 per cent macaroni.....19 x24 "  
Patent, plus 20 per cent macaroni.....19 x23<sup>7</sup>/<sub>8</sub> "

"From these experiments it would seem that the claim of the manufacturers of bleachers that the patent flour can be increased from 10 to 20 per cent is true, or, in other words, that low grade flours can be added to the patent or a cheaper product substituted for a dearer one.

"It is a well known fact, and admitted by honest millers, that they do bleach their 'clear' grades. One of the best known mills in North Dakota has installed two bleachers, one for the patent and the other for the clear. This would indicate well that not only the lower grades are susceptible of "improvement" by bleaching, but further that such is the common practice among millers employing the bleaching device. These are the only two grades of flour produced in that mill. Another North Dakota mill recently received an order for fourteen carloads of clear flour all to be bleached.

The only reason that bleachers are used, it seems to me, is because by this method they can increase the amount of patent, improve the color and lead the public to believe that the product is the well known white flour. Otherwise how could millers install and operate an expensive piece of machinery of this kind for bleaching flour and still sell their product at a lower price than can millers who are producing patent without bleaching. If substitution is not permissible in other products, should it be tolerated in the flour industry?

In order to further determine to what extent changes in the character of the nitrogen take place in the baking of bread a series of experiments were planned with biscuits made with baking powder and with bread produced by means of yeast. In each case samples were baked in a gas oven and in a range. The first samples were with flour overbleached and resulted as follows:

	Baked In.	Nitrites.	Nitrates.
Biscuits.....	Gas oven	React strong	Strong
Biscuits.....	Stove	React strong	Strong
Bread.....	Gas oven	React strong	Moderate
Bread.....	Stove	React strong	Fair

It will thus be seen that where a loss in reaction for nitrites has taken place there has been a gain for nitrates indicating the oxidation of nitrites to nitrates. A similar experiment was then made with a sample of commercial flour slightly bleached with results as follows:

	Baked in.	Nitrites.	Nitrates.
Biscuits....	Gas oven	No reaction for	Reacts for
Biscuits....	Stove	No reaction for	Reacts for
Bread.....	Gas oven	Reacts for	Reacts for
Bread.....	Stove	Reacts for	Moderate reaction

All products used in the preparation of the bread in the experiments above indicated were carefully tested and gave negative results for the presence of either nitrites or nitrates and negative results were secured in all samples of bread produced from unbleached flour.

It would thus seem from the above experiment that in cases where nitrites are not found in bread produced from bleached flour of the type with which we have worked the fact is due to the oxidation of nitrites to nitrates which are then present as such in the bread, and this oxidation or change is more marked and pronounced in the case of small loaves where baking powder or other chemicals are used as a leavening agent. It would therefore be erroneous to assume as some have done that the oxides of nitrogen or nitrites in the process of baking are volatilized.

Experiments are now projected to determine whether the nitrogen compounds in combination with the fat and the gliadin, but not in the form of nitrites, are also set free or changed in baking powder biscuits, rolls, etc., but the experiments are not yet completed.

In conclusion we should say that in the bleaching of flour:

First—That bleaching results from the action of the oxides of nitrogen upon the flour and to a considerable extent in its action upon the fat.

Second—That the absorbed nitrogen will be found (a) as addition or substitution products in the fat; (b) in combination with the gliadin of the gluten; (c) as nitrites resulting from combination with bases already present in the bread; (d) as absorbed gas; (e) in some forms of bread, especially those made with chemicals as baking powder, the products will be oxidized to nitrates.

Third—That the gluten of the flour is always injured by bleaching, the extent of the injury depending upon the degree of bleaching.

Fourth—That bleaching is not an essential or desirable adjunct of the milling process.

Fifth—That all classes of flour are susceptible of being bleached and are bleached in many mills and where formerly many grades of flour were produced some of these mills now produce but two grades and all are bleached.

Sixth—The process as now employed is, in its general use, a fraud pure and simple and permits of the substitution of a cheaper product for a higher priced one.

Seventh—That the producer of the wheat is not being benefited by the process, neither is the consumer.

Eighth—That it injures the flour whenever treated slightly and the injury is proportionally greater as the product is overbleached.

Ninth—It forces the honest mill to either put in a bleacher or go out of business, for the natural characteristic of the flour is destroyed and he cannot compete with his competitor who bleaches and substitutes and sells at a less price.

Tenth—It would seem to be a dangerous practice to treat such a universal food product with such a dangerous chemical, the physiological effects of which in the bread are as yet not well known.

Eleventh—Flour is very susceptible to contamination and readily absorbs odors and gases and when stored in the vicinity of bleached flour it readily takes up the oxides of nitrogen.

Twelfth—Flour exposed for more than one year in open rooms does not absorb from the uncontaminated atmosphere either nitrites or the oxides of nitrogen in detectable quantities.

Thirteenth—The quality of the bread is always injured and the characteristic and satisfying flavor of the bread is lessened and in overbleached products largely destroyed.

Fourteenth—Is one justified in adding a dangerous chemical product to a food until it has been clearly and satisfactorily demonstrated that the resulting product is entirely harmless or that it does not in any way lessen the food value of the product.



**LIKE SUBSTANCES.**

By Prof. J. H. Shepard, Chemist South Dakota Food and Dairy Commission.

What are "like substances"? At the first blush the question seems easy. Everybody knows what is meant by like substances. Ask anybody. He can tell you. But unfortunately every answer will be different. In common every day parlance the two words are used loosely, comprehensively, lavishly. They are applied to things resembling each other all the way from the most remote resemblance to complete identity. And so while everybody can define "like substances" the definition will originate from every different mental concepts. In a hazy sort of a way everybody realizes the unsatisfactory status of the expression, hence the attempt to differentiate by the use of such expression as "as like as two peas," etc.

In short, the word "like" as used for sake of comparison is overworked.

**LIKE SUBSTANCES AND FOOD LAWS.**

A little more thought on the part of the author of the clause defining a "Blend" as a "mixture of like substances" should have warned him that he was dealing with a very uncertain and to him a dangerous weapon. If the expression "like substances" is so indefinite in its common every day use, what would it be liable to mean when incorporated in a pure food law? This brings us fairly to the question that has so profoundly agitated manufacturers, dealers, consumers, lawyers, and pure food officials during the past year. Even the president of the United States of America has not escaped. It was just like going back to preparatory school again in order to take a post graduate course in etymology.



**PROF. J. H. SHEPARD.**

But it was a very grim and determined class of boys who were learning and fixing the meaning of "like substances." Little resemblance did they have to the joyous, care free youth who are to-day studying their spelling books and dictionaries. Great interests were involved and it was necessary that the definition be given and fixed correctly at the very outset. I presume it would be safe to say that no other two words in the English language ever cost so much of thought and treasure to have their exact definition fixed. But I believe that the far-reaching and beneficial results that will follow in the commerce and manufacture of food, beverage and drug products will fully justify the labor and expense. There is scarcely one of these products that will not be more or less affected. It is true that at the present time, while the dust and fog, and confusion of conflict still fill the air and obscure clear vision, each manufacturer sees only the bearing upon his own particular product. And, naturally enough, he gives voice to his own griefs and fears. Meanwhile the public hears only the complaints of those who are most loudly and actively reciting their woes from the house tops. But to the pure food official the situation is very different. He hears all sides of all stories and while the official year is still young, enough has already developed to indicate the profound modifications that are certain to come in the marketing and labeling of very many articles used for human dietaries, beverages and medicines. But perhaps a clearer understanding of the situation may be had by considering a few specific examples.

**WHISKY AND "LIKE SUBSTANCES."**

Of all the interests most actively engaged in defining "like substances" the so-called rectified whisky interests, taking the manufacturer's stand point, stand forth without a peer. This interest representing enormous capital and vested rights, seems to have been more alarmed, and unnecessarily alarmed as I believe, concerning the ruling declaring that whisky and alcohol are not "like substances." Their particular grievance was that this ruling would deprive them of the use of the word "blend" as applied to mixture of whisky and natural spirits or alcohol.

In lieu thereof they were assigned the word "compound" which failed to satisfy them in the least degree. In the first place many of these people have been in business for more than a generation and have grown accustomed to the word "blend" and have a sentimental regard for it. Concerning this sentimental regard it is not to be argued. A man has a right to love and esteem his own wife, his horse, his watch and his own business methods. Of course if any man's business methods work a damage to his neighbor, he is subject to restraint and must relinquish the offending practice that invades or imperils the inherent rights of his neighbor. In the second place very many of these people were afraid that if their goods should appear with the word "compound" on the label that great and irretrievable injury would result to their financial interests. Someway they conceived a violent antipathy to the word "compound" just as if the word had a vicious or sinister meaning attached to it which it has not. It is a good, wholesome word, doing honorable duty in our pharmacopœia to-day as it has done for generations. Then again they were afraid that if people actually knew just what is in the whisky they had been accustomed to drink or knew how it was made they would refuse to buy.

Or in other words if the goods were labeled a "compound" instead of a "blend" the consumer would discriminate against them. I do not believe this ground is tenable. I do not believe that the average consumer would care a fig whether his favorite brand of whisky were labeled a "blend" or a "compound." Consequently I cannot see where the compounder's fears are well grounded. But, it may be objected, "The public will become educated." Well, perhaps so. But if the educators have no easier time of it than the average college professor does in instilling all the nice shades of distinction attaching to scientific terms into the minds of average college students, my sympathies do certainly go out to the educators.

During the various hearings that were given to this subject, I have been assured that an overwhelming mass of testimony was submitted by certain so-called experts and by others who were not so expert trying to prove that whisky is alcohol and that alcohol is whisky, all of which every one knows to be untrue. Even the most ignorant navvy on the railroad grade would not accept a glass of alcohol in lieu of a glass of whisky that he had just paid for.

But when words and facts come before courts and judges for a hearing sometimes strange testimony is given, strange decisions are reached, and strange reasons given for the verdict rendered.

I do not care at this time to enter into any discussion as to why whisky and alcohol are not like substances, since I have expressed my views at length in my report to the secretary of agriculture. Suffice it to say that they were declared unlike since alcohol is lacking in those congeneric substances which impart flavor, aroma and taste to whisky thus placing whisky in a class by itself. By some these substances which accompany the alcohol and water in whisky have been called impurities. But this view is manifestly wrong since without these substances there is no whisky. Then again alcohol is a cheaper substance than whisky.

Now, it is the aim of all pure food legislation to protect the health of the consumer, and also to prevent him from being defrauded. Hence it seems that substances to be "like" in the meaning of the law must be very nearly equal value as well as to belong to the same highly specialized class. It is true that alcohol and whisky are like in many ways commonly speaking. They are both liquids; they both consist largely of alcohol and water, they both contain practically the same congeneric substances only differing in amount, the alcohol carrying less than the whisky, but with this difference that the secondary products in the alcohol are in a raw and uncombined condition; they are both capable of producing intoxication and finally their food value must be very nearly equal. But in spite of all these similarities alcohol and whisky have been declared unlike and as I believe very



properly so. This decision protects the purse and safeguards the consumer from deception, and as I believe will work the manufacturer no injury.

There are some who think it impossible to do a profitable business without resorting to some kind of fraud or deception upon the consumer. With this view I have no patience. Neither are those holding such views entitled to any protection or consideration from anybody. Far better would it be to come out fairly and openly and tell the consumer all about it. If a business is allowed under the law it is quite certain that the goods manufactured will not needlessly injure the health of the consumer nor will they deceive him if properly labeled. Moreover if the goods appeal to him the consumer will not needlessly discriminate against them. But we must pass on to other considerations.

#### MAPLE SUGAR AND "LIKE SUBSTANCES."

For a long time it was the practice of certain manufacturers to use simply enough true maple sugar or syrups to give their products a true maple flavor while the bulk of the goods consisted of cheaper material such as glucose or more frequently cane products. These goods were labeled as pure maple products. With the advent of pure food laws these practices were speedily eliminated. Here we have a case where it does not seem so difficult to decide that maple products and cane products are not "like substances." But the food chemist cannot fail to note a very striking similarity between the maple products case and that of whisky just described. From a chemical standpoint the cane sugar is a purer product than the maple sugar. But from the consumer's viewpoint the case is altogether different. So likewise from the chemist's standpoint alcohol or neutral spirit is purer than whisky. But the consumer again does not agree. Why should he buy true maple products at an expense four or five times greater than he pays for the cane products? Yes, and the consumer will go far out of his way in order to obtain the true maple products. The explanation is very simple. The maple products like whisky carry certain congeneric substances that impart to them a flavor, taste and aroma that the cane products do not possess. If we were to term these secondary products "impurities" as some have proposed to do in the case of whiskies, then it would be perfectly fair to say that the consumer pays the enhanced price for his maple products on account of the impurities they contain. And as in the case of whisky these secondary products are in very small amount. There is a small per cent of malic acid, of albuminous substances, and a very indefinite amount of flavoring and a small per cent of ash in maple products. Otherwise cane sugar and maple sugar are absolutely identical. Not only are they "like" if we bar the secondary (or rather perhaps I should say primary products) in maple sugar but as I said before they are absolutely identical, hence the consumer gladly pays for the small amount of substances accompanying the sugar in maple products three or four times as much as he does for the pure sugar itself. And he does it gladly. He is buying the taste and flavor and he has a right to them if he chooses to pay for them. Any law or decision that would declare maple and cane products to be "like substances" would be manifestly unfair and would open the way for the practice of fraud on the consumer.

And just in this connection I can well remember how the syrup manufacturers claimed that their business would be ruined by compelling them to state upon their labels that their compound syrups contained cane sugar. Their fears have never been realized. The demand for the compounds has not diminished but rather increased. It is true that the profits may have shrunk somewhat but I reiterate their business has not been ruined. The consumer's right to know what he is buying has been safeguarded and the world is better for it.

#### OIL OF LEMON AND "LIKE SUBSTANCES."

Oil of lemon and lemon extracts offer a very inviting field for adulteration and misbranding. This oil consists principally of the terpenes dextro and laevo-limonene. But the flavor of the oil is chiefly due to the aldehyde citral which constitutes from 5 to 7 per cent of the oil. Of late the citral has been separated and used in making the so-called terpeneless lemon extracts. This of itself is not so very reprehensible but when the extracted lemon oil is used to adulterate good oil of lemon the consumer is immediately concerned. This is a fraud pure and simple. Then again oil of lemon is not the only source of citral. Oil of lemon grass carries it to the extent of from 75 to 85 per cent. And this citral from oil of lemon grass surely and certainly goes into the manufacture of adulterated lemon extract. In fact the so-called terpeneless extracts may be made from citral derived wholly

from lemon grass. It is true that the slight verbena odor rather militates against this practice.

Here is evidently a case where a change of labeling is necessary. The word "lemon" should not be allowed in the so-called terpeneless extracts. They are simply tinctures of citral barring slight impurities and should be so called. It matters not what the source of the citral may be, whether it comes from oil of lemon or from lemon grass oil. Oil of lemon with all its constituents should alone be used in making "lemon" extracts. If the citral from oil of lemons is removed and purified it is simply citral. It has lost the characteristics of oil of lemon and is oil of lemon no longer. As a parallel suppose the alcohol from whisky be separated and purified. It is no longer whisky but simply alcohol. Or suppose that the sugar from maple sugar be removed and refined. It is no longer maple sugar but simply sucrose. Consequently, as I contend, citral from lemon oil and the lemon oil itself are not "like substances." That is a part of any substance is not "like" to the whole of that substance.

I am well aware that lemon oil is frequently subjected to gross adulterations. Turpentine, low grade orange oil, terpenes from oil of lemon, and lemon grass oil are used for this purpose. But these facts are beside the case. Tincture of citral should be labeled tincture of citral and nothing else. I am sorry to note that the tentative standards recently promulgated recognize terpeneless "lemon" extracts, and worse than that "terpeneless orange" extract.

#### VANILLA BEANS AND "LIKE SUBSTANCES."

Vanilla beans are used largely for making vanilla extract. This extract contains resins, vanillin and small quantities of other extractives. But the chief odoriferous principle is the vanillin. Of late vanillin has been largely produced artificially. It is to be had from coniferin or better from eugenol the chief constituent of oil of cloves. It may also be had from synthetic reactions.

Vanilla beans are expensive and as in extract of lemon there is a constant temptation to stretch the vanilla extract as far as possible by the addition of cheaper vanillin. Of course the addition of vanillin is not confessed on the label and the consumer is led to believe he has purchased the pure extract.

Here again the same principle applies. Artificial vanillin is not a "like substance" with vanilla extractive and its addition plainly calls for a "compound" label. Moreover, a solution of vanillin in alcohol should not bear the word "vanilla" at all. It is simply a tincture of vanillin and should be so labeled. In order to show the effect of the production of artificial vanillin, it may be stated that since 1876 the price of vanillin has declined from about \$800.00 to less than \$5.00 per pound.

Tonka beans and artificial coumarin bear the same relation as vanilla beans and artificial vanillin. Consequently the foregoing remarks apply to them with equal force.

Other examples might be given to illustrate the application of the term "like substances." But time is passing and the foregoing must suffice. Of course there are such things as substitutes such as chicory for coffee, but these are not applicable in the manufacture of blends and so they need no discussion.

From what has been said it will appear how difficult it is to give a strict and terse definition of "like substances." Some may infer that to be "like" substances must be identical. But this is not necessarily true. Take the case of two whiskies, one a Bourbon and other a rye whisky. They are not identical but they are like substances. They are of very nearly equal value and both belong to a highly specialized class of substances known as whisky.

Again we may take two coffees one a Java and the other a Mocha. They are not identical but still they are like substances. They may very properly form a blend even though their values differ materially. And so instance after instance might be given where substances are like but not identical.

But why all this discussion and why so much feeling over it? It must be remembered that we are entering upon a new era, an era of pure food legislation. We have few precedents, a small ready coined vocabulary, and few set rules of procedure. It has been very difficult to secure this legislation and its friends are very loth to accept any interpretation for any word or phrase that will weaken or nullify the law. Many of these people are not in trade. They represent the consumer and they are trying faithfully and conscientiously to safeguard the consumer's interests. They want all products truthfully labeled so the consumer may decide on the proper price to pay.



On the other hand some trades people are alarmed and afraid to relinquish their words and phrases which they have been wont to use so long. Perhaps there is a feeling of distrust on both sides. But these things will pass away and a better era will ensue. Things will be established on a firm and enduring basis. Both sides will be satisfied. The consumer will know just what he is buying and the honest manufacturer will be safeguarded in every respect. It would be too much to anticipate the millenium, but the era of pure and wholesome food honestly and truthfully labelled is worth our brightest hopes, our hardest work and our most fervent prayers.

JAS. H. SHEPARD, Chemist,  
S. D. Pure Food Commission.

### THE SANITARY SIDE OF THE PRODUCTION— MANUFACTURE AND DISTRIBUTION OF FOOD PRODUCTS:

By Dr. T. J. Bryan, Illinois State Analyst.

The importance of sanitary conditions in the production, manufacture and distribution of foods was never greater than to-day, for less of the food consumed by the individual is produced and prepared at home than ever before, and likewise the necessity for sanitary laws in regard to foods was never more keenly realized. The disclosures of the insanitary conditions in our packing houses, exaggerated in many instances, has aroused public indignation. The newspapers added fuel to the flame by rehashing every case in recent history containing anything grewsome or revolting in connection with the preparation of food products. These reports appearing day after day in the newspapers gave the public the false impression that the manufacture of human bodies into food products was a matter of not uncommon occurrence and that insanitary conditions prevailed in the manufacture of most foods. The discussion was continued until not only this country but Europe looked with suspicion on the food products of the United States.

Revolting as the individual instances were in all the cases above referred to, we believe that foods of all kinds are to-day produced and manufactured under as sanitary conditions in this country as in any other; but because of the public awakening in regard to this matter and because of foreign prejudice against our goods, and especially because of the importance of the matter itself, food officials should consider what laws should be enacted to enforce just and safe regulations for the maintenance of sanitary conditions in the handling of food products.

Sanitary conditions must be maintained at all times in the production, manufacture and distribution of foods for two reasons: First, to prevent the spread of contagious and infectious diseases; and, second, to prevent the decomposition and putrefaction of foods and secure their delivery to the consumer in a clean and wholesome condition.

Simple as this statement of the case may seem, the drafting of an effective law which could be enforced uniformly preventing these two things is by no means simple. These difficulties are partly due to the fact that the conditions under which different foods must be transported, manufactured or taken from their natural sources are themselves so different. This is clearly seen when one considers the possibility of a single sanitary regulation covering the water and ice supply, the production of milk and the slaughter of cattle.

In the sanitary handling of vegetable and fruit products and the storing of grains, butter and poultry, each presents its own problem. It will be apparent that a statute restricting the production, manufacture and distribution of foods, except under sanitary conditions and couched in general terms, would in every instance necessitate expert testimony as to what constituted sanitary conditions as affecting the final product and there is no question but that many courts would come to different decisions in parallel cases, and judges would probably not be wanting who would hold that the food was produced under sanitary conditions, even though the common sanitary precautions had not been exercised, if it were not shown that the finished product had been itself unwholesome and consumed with ill effect.

It is therefore desirable that specific laws should be enacted governing each of the different classes of foods which are produced and manufactured under like conditions. This is the only effective method followed in the past and the one which will doubtless be followed in the future. The questions that must then be answered are, what are sanitary conditions

for each particular class and by whom shall the law when enacted be enforced?

To attempt a discussion of sanitary conditions for each class of foods handled under similar conditions would require too much time for a paper of this kind. The milk and ice supply of our large cities and of many of the states are already protected with sane regulations in regard to sanitary conditions of production. The meat supply from our large slaughter and packing houses are also under an adequate sanitary inspection and the large manufacturers and dealers in food supplies are opening their factories and storehouses to the public and showing a care for sanitary matters which excels that in many homes. Matters of ventilation and light, the cleanness of the rooms, utensils and the cleanliness of the



DR. T. J. BRYAN.

employe and the clothes he wears are receiving the closest attention in most of our large food manufactories. Besides this, the manufacturer realizes that absolute sanitation cannot be obtained when the hands come in contact with the food; and the introduction of mechanical carriers and of mechanical devices for the sterilization and filling and sealing of packages is becoming more and more common among the larger producers of food products, not only for the purpose of reducing expenses, but quite as much and often primarily as a matter of sanitary precaution. Laws requiring the high grade of sanitation found in some of our largest food manufactories would drive many small firms out of business. But the careless manufacturer and small producer should be required to maintain better sanitary conditions than are maintained at present. There is no reason why food should be manufactured, transported or produced under conditions which would be considered repulsive in the average American home.

Special sanitary laws are needed with reference to flesh foods and such animal products as milk, which when produced under insanitary conditions, are most likely to cause the spreading of disease. Sanitary inspection of all places where animals are slaughtered is essential. The small uninspected slaughter house is a menace to public health. Likewise inspection of dairies, cow barns, creameries and cheese factories should be extended to cover all sections of all the states, and should be of the same character as that carried on by New York city, Chicago and Boston. Sanitary inspection should be extended to all manufactories of food products



and to safeguard the public interests, must not stop short of the grocery store and the meat market, and the hotel and the restaurant.

The enforcement of these sanitary conditions would naturally be the work of the board of health, but the large increase in the force of inspectors necessary to perform the work, and the possibility of the work being done by inspectors of other departments, and thus saving the money of the state, is in some states resulting in the work being distributed among different departments. Thus in Illinois, although the health department already had jurisdiction in all matters pertaining to public health, powers to enforce sanitary conditions were granted to both the state factory inspector and the state food commission. Here the powers of all three departments overlap and though we feel that under the present administrations this duplication of powers will not result in a conflict between the different departments, it is undesirable.

Work is done best where there is one party who can be held responsible for its non-accomplishment. Under the control of a single department there would be no conflicting opinions as to requirements in particular cases, no unnecessary duplication of inspection, the manufacturer or dealer would know with what requirements he must conform and a complete report of sanitary conditions in the state could not any time be secured from one source.

There is also a question as to the qualification of food inspectors, factory inspectors and others to whom these powers may be delegated to make just and thorough sanitary inspections. Doubtless some are qualified and some are not. If only these inspectors of other departments who are deemed to be qualified by the state board of health were empowered to make sanitary inspections and they were required to report to the board of health as well as their own department, and if the board of health were made the judge in case of a dispute between departments we would have a better solution of the problem.

## REVIEW OF PURE FOOD CONTROL IN THE WEST.

By E. W. Burke, Wyoming Dairy Food and Oil Commissioner.

The pure food situation in the west is unique. We are a race of consumers, consequently the westerner's views of the pure food situation must differ materially from that of the easterner. The easterner is a producer and manufacturer, the westerner is a consumer, and his views are the ones, naturally enough which the consumer everywhere holds. The welfare of the individual stands paramount in his estimation. The western commissioner feels that he is called upon to stand between the producer and the consumer. It is true that the eastern commissioner stands in the same position. An eastern food commissioner frequently is obliged to take into mind the interests of the producer on parity of that of the consumer. The demands of the producer, on the other hand, is secondary in importance to the western commissioner. His soul thought, and aim, and ambition is to see that the food reaching the consumer shall be wholesome and free from poisonous material, and of a value which the very best commodities of each class ought to command. With these ideas in view, he enters the field and his work of inspection is very much simplified. When a sample of goods is taken he asks this question of himself and his chemist, "Are these goods wholesome, are they properly labeled, and do the contents of this can or package represent the value which goods of this class should command?"

I will reiterate the conditions in the west are peculiar, and I think in many respects my own state stands alone, there is practically no manufacturing carried on there; while the amount of prepared goods used per capita is larger than almost any other state in the Union. Therefore, methods which are used by eastern commissioners, and that are in vogue throughout the eastern states probably would not be found satisfactory in the west. Some years ago the work was started on, as a sort of a process of education. The food laws then in force were taken up individually in person, as far as possible, with the retail merchants, and an attempt was made

to educate the consuming public. When goods were found to be illegal the manufacturers or jobbers were notified of the chemist's findings, and requested to put their goods in shape and relabel if possible. This method was carried on for some time without bringing any cases in court. As a consequence, as food laws were almost unknown in the Rocky Mountain states, the manufacturers also began a campaign, with the evident full intention of wiping out what little law we had. I will admit that this was, in part, due to the publicity section of our law, which I believe should be in every food law. We immediately changed our tactics by notifying the interested parties that, after a certain time had elapsed all violations would be taken to court. This was followed by a request that the retail merchants obtain stringent guarantees from the wholesalers or manufacturers, from whom they were buying goods. As the law held the retailer as the wholesaler or manufacturer agent, it would work a hardship upon the retailer if the responsibility was placed on his shoulders, when he had very little opportunity of determining the true condition of his goods, any more than the consumer. It was not the small concerns that we were after. For if the leaders and the most influential were brought to time, we believe that the smaller producers would be compelled to come into line. This we found worked entirely satisfactorily, as far as it went.

The laws of the western states were originally planned after those of the foremost eastern states, which at that time were considered quite stringent. However, we found that even with rigid enforcement of the laws they were inadequate. And for that reason we may attribute the first campaigns against the coal tar and aniline colors, and the so-called chemical preservations has risen in the west. And even some of the foremost thinkers have gone further than that and are seriously thinking of advocating the prohibition of artificial colors of all kinds in any food product whatsoever, even in products which most food authorities care little to speak of and in dairy products. In my own state we still allow vegetable coloring, if the name of the coloring is printed on the label, and under certain rigid restrictions benzode of soda is allowed as a preservative.

Many of you may think that we have carried our legislature and enforcement along these lines, too far. But the matter has been given careful study and I for one do not think so.

We have a population of consumers and not producers of food products. We want to obtain food which is wholesome, non-injurious and free from adulteration, also labeled in such a way that he who "runs must read." Not a label that you and I understand, but for the men who place the little pack on the back of their burros to search for the precious metals in mountain wilds of our country; for the sheep herders, whose trail may be found all the way cross the plains by the empty tin cans; for the homesteader who is carving his little home on the plains; for the mother who lovingly holds her child in her arms, and who is trying the best that she can to raise it to healthy manhood or womanhood.

## FIRST REGULATION AND RULINGS OF MISSOURI.

### REGULATION I.

#### *Guarantee of Goods.*

Any person or firm manufacturing or selling foods or drugs in this state, who desires, may guarantee such goods to the purchaser by filing an affidavit with this office, to the effect that all goods manufactured or sold by him are not misbranded or adulterated within the meaning of the law enacted by the 44th General Assembly of the state of Missouri, entitled, "An act to prohibit the manufacture and sale of foods, drugs, medicines, beverages, and liquors, as defined in this act, which are adulterated or misbranded within the meaning of this act." To all who thus guarantee their goods, a serial number will be given, which will serve to notify the purchaser that the manufacturer or dealer has guaranteed to the state that his goods are so made and branded as to comply with the law.

R. M. WASHBURN,  
Missouri Dairy and Food Commissioner.  
Columbia, Mo., July 1, 1907.



BLEACHING OF FLOUR AS NOW PRACTICED BY MILLERS.

BY DR. J. A. WESENER AND PROF. G. L. TELLER OF THE COLUMBUS LABORATORIES, CHICAGO, ILLINOIS.

Of late several articles have appeared against the bleaching of flour as now practiced by millers. Bulletin No. 72 issued by the Experiment Station of North Dakota, written by E. F. Ladd and R. E. Stallings, and a paper read by Prof. Ladd before the convention of food commissioners at Jamestown have taken a very positive stand against the art of bleaching and have denounced such practice as unessential, undesirable, dangerous and a fraud. The authors take radical grounds in regard to the bleaching of flour. Summing up Prof. Ladd's opinion that "the addition of any unnecessary chemicals to a food or beverage shall not be deemed as justifiable or lawful in any product until it has been clearly and satisfactorily proven that the chemical or drug as found in the food, should it there remain, is entirely harmless, that it does not injure or in any way lessen the food value, and that fraud in its use is not thereby abetted. Thus the burden of proof falls as it should upon those who would add foreign and unessential chemicals of whatsoever kind to any article of food or beverage intended for the general consumption of the people at large, and not upon those whose duty it is to see that the laws are enforced."

In the interest of truth and fair dealing, it is the purpose of this article to show that the bleaching of flour does not leave in it any harmful chemical residuum and that no fraud is practiced by bleaching, but that the bleaching process is a desirable adjunct to the manufacture of flour and improve the flour itself.

The writers wish to state at this time that they have been making a study of flour for a great many years. The nature of their study and experiments has been such as to bring them intimately in contact with flour of all kinds from wheats of all varieties, determining the commercial, baking, and nutritive values. Such study also has taken them into a thorough scientific study of wheats and flours. This work has covered a very wide field, not only including the mills and bakeries of the country, but also the examination of seed wheats from some of the experiment stations of the United States and Canada, a careful study of durum wheats for the United States Department of Agriculture, and much other work on wheats, of a scientific nature. We have made a critical examination of the question of bleaching flour from the time it was first proposed up to the present time, and it can be shown by articles written by us beginning 1903 and continuing to the present, that we have always taken the position that the bleaching of flour does not harm the product nor in any way leave in it any injurious substance.

It is contended by Ladd and his associate that an injurious substance in the form of nitrites is left in the flour. In refutation of this question, we would cite the universal distribution of nitrites, the infinitesimal amount of this material which is found in bleached flour, and the absurdity of this material producing injurious effects on the consumers of bread made from bleached flour, in which it will be shown that nitrites are practically absent.

TABLE I.

The following results were obtained on examination of flours for nitrous anhydride:

	Per cent.
1. Unbleached spring patent flour.....	.00001
2. Bleached spring patent flour.....	.00005
3. Bleached spring patent flour.....	.00005
4. Blended flour bleached.....	.00005
5. Blended flour not bleached.....	.00001
6. Bleached spring patent flour.....	.00005
7. Bleached spring patent flour.....	.00005
8. Bleached spring patent flour.....	.0001
9. Durum flour not bleached.....	.000017
10. Durum flour bleached .....	.00002
11. Durum flour, not bleached.....	.000015
12. Durum flour not bleached.....	.000017
13. Durum flour bleached.....	.00002
14. Durum flour bleached.....	.000017
15. Spring patent not bleached.....	.00001
16. Spring patent bleached .....	.000025
17. Winter patent not bleached.....	.00001
18. Winter patent bleached .....	.00003
19. Winter patent not bleached.....	.00001
20. Winter patent not bleached.....	.00003
21. Spring patent bleached.....	.0001
22. Winter patent bleached.....	.00005
23. Spring patent not bleached .....	.000025
24. Winter patent bleached.....	.00005
25. Winter patent not bleached.....	.00001
26. Winter patent not bleached.....	.00001
27. Winter patent not bleached.....	.00001
28. Winter patent not bleached.....	None
29. Winter patent not bleached.....	None
30. Winter patent not bleached.....	None
Soda crackers, bulk .....	.00002
Soda biscuit, package .....	None
Bread from spring patent, bleached.....	None
Bread from spring patent, bleached.....	.0000025
Bread from winter patent, bleached.....	None
Bread from spring patent, bleached.....	.0000025
Boyal Baking Powder.....	.00001
Dr. Price's Cream Baking Powder.....	.00002
Rumford's Baking Powder.....	None
Egg Baking Powder.....	None
Arm and Hammer Brand Baking Soda.....	.00001
Yeast, compressed .....	None
Material for nitrous anhydride. (Dried meat.)	
Corned beef, bought in the open market.....	.00054
Corned beef, bought in the open market.....	.00054
Dried beef, bought in the open market.....	.00004
Ham, bought in the open market.....	.0008
Ham, bought in the open market.....	.0013
Common salt used in preserving meats, for nitrous anhydride.	
Retsof salt (very coarse).....	.00005
(C) salt (very coarse).....	.00001
Ashton salt, (fine).....	.00001
Michigan fine salt (common barrel salt).....	.00001

TABLE II.

Kind of Flour.	Condition of Flour.	Nitrites in Water Solution by Griess Reagents.	Results with Fleurent's Test for Bleached Flour.	Results with Ladd's Test for Bleached Flour.	Nitrites in Alcohol Extract of Gluten.
Spring Patent.	Bleached.	Marked reaction.	Reddish color. Color obscured by adding carotin.	Slight blue color with much oil.	None.
Spring Patent.	Bleached.	Distinct reaction.	As above.	No blue or green color.	None.
Spring Patent.	Not bleached.	Slight pink.	Natural color.	No reaction.	.....
Spring Patent.	Not bleached.	Slight pink.	Color natural.	No reaction.	.....
Spring Patent.	Bleached.	Marked reaction.	.....	.....	None.
Winter Straight.	Not bleached.	Slight pink.	.....	Slight blue.	None.
Winter Straight.	Not bleached.	No reaction.	.....	Slight blue.	None.
Two Winter Straights.	Not bleached.	No reaction.	.....	Distinct blue.	.....
Two Winter Straights.	Not bleached.	No reaction.	.....	Slight green.	.....



*Literature on the Distribution of Nitrites in the Air, Due to Meteorological Conditions.*—Nitrous and nitric anhydride are produced by many oxidation processes and are found usually in the form of nitrites and nitrates, especially in the form of ammonium nitrite and nitrate. Ammonium nitrite is found in the air, rain water and melted snow. In some sections rain water contains from 1.425 to 1.71 milligrams of nitrous acid estimated as  $N^2O^3$ , in one liter, which is equal to .0001425% to .000171%.<sup>1</sup>

The same author in a later investigation shows that rain water in winter and in spring contains mostly ammonium nitrite, whereas in summer it is mostly ammonium nitrate, the figures for the ammonium nitrite being .7 to .8 milligrams  $N^2O^3$ , or .00007% to .00008%, as against for the nitrate .01 to .04 milligrams  $N^2O^5$ , or .000001% to .000004%, in the winter



DR. J. A. WESENER.



PROF. G. L. TELLER.

and spring, and in the summer .35 milligrams of  $N^2O^3$ , or .000035%, as against .83 to 2.76 milligrams  $N^2O^5$ , per liter, or .000083% to .000276%.<sup>2</sup>

This same author further says<sup>3</sup> that the  $N^2O^3$  predominates in a general rain without any electrical disturbances, whereas the nitrates,  $N^2O^5$ , are greater with the latter condition. One liter of melted snow contained 1.04 milligrams  $N^2O^3$ , or .000104%, against 3.4 milligrams  $N^2O^5$ , or .00034%. Water out of canals through which water was freely flowing was found to contain .16 to .965 milligrams  $N^2O^3$ , or .000016% to .0000965%, as against 3.4 milligrams  $N^2O^5$ , or .00034%, in the winter and spring.

#### IN THE SOIL.

The nitrites are not as abundant as the nitrates, and are readily changed by drying of the soil into nitrates. One kilogram of culture earth contains .75 to 4.52  $N^2O^3$ , or .000075% to .000452%.<sup>4</sup> Land plaster, as well as crude and purified Chili saltpetre, contained nitrites.<sup>5</sup>

#### IN THE ANIMAL KINGDOM.

Traces of nitrite are found in the saliva.<sup>6</sup> In a million parts of human saliva there is present from .4 to 2 parts of nitrites.<sup>7</sup> The urine contains traces of nitrates and a substance which has the property of changing nitrates into nitrites.<sup>8</sup> Ammonia, according to Bence Jones,<sup>9</sup> passes through the system and is found as nitrites in the urine. Jaffe<sup>10</sup> disagrees with the above statement.

According to H. Struve,<sup>11</sup> the exhaled air contains ammonium nitrite. Nitrates were found in cow's milk and their presence accounted for from the fact that the cows drank water containing such salts.<sup>12</sup>

A. Stepanow<sup>13</sup> says the iodine reaction when potassium iodide is used on mucous membranes was, as early as 1866, explained by Buchlein and Sartisson as due to the action of nitrites. It was then shown by the above author, by the use of the Greiss reaction, that nitrites are pretty much distributed throughout the body. He found nitrites in the white material of the brain, in lung tissue, bronchi, parotid gland, small intestines, medulla substance of the kidney, suprarenal capsule, testicle and lymphatics of rabbits and of dogs. They were found absent in the gray matter of the brain, the liver, stomach, spleen, the brown substance of the kidney, the muscles, and in the blood. When nitrite-free tissues were rubbed up with nitrate salts there appeared after a few hours' maceration nitrites. When animals were killed with potassium cyanid no nitrites appeared.

Erich Harnack<sup>14</sup> says when large doses of nitrites are introduced into the stomach only small amounts of nitrites or nitrates are eliminated by the kidneys. Neumeister<sup>15</sup> says traces of nitrates are present in the urine of man and their

presence accounted for by the use of a vegetable diet. The action of bacteria in the urine changes the nitrates into nitrites.

#### THE VEGETABLE KINGDOM.

According to Hut and Stiel, the juice of the leaves of many green plants, especially the *Leontodon taraxacum*, when treated with iodide of potash and starch gives a blue reaction. This reaction, according to Schönbein<sup>16</sup>, is due to the presence of nitrites. According to the later investigations<sup>17</sup> this iodine reaction only takes place in plants when there is present oxygen, and they believe that this liberates the nitrite from some organic nitrogen compound. Small amounts of ferro salts, pyrogallie acid, hematoxylin and brasilin mixed with the juice of plants act as inhibiting agents in preventing the liberation of iodine when treated with iodide of potash, this of course being another indication that nitrites are present. If, on the other hand, the juice of plants such, for example, as *Spinacia oleracea*, liberates iodine only after a rather long maceration and does not color the guaiac tincture, then nitrates are present and these arise from the nitrates due to the organic ferments.

From the literature presented we see that nitrites and nitrates are widely distributed throughout the air, soil, water, animal, vegetable and mineral kingdoms. Nitrous acid has never been found free for the simple reason that it has not as yet been isolated by chemists and therefore where the term nitrous acid is used in this report it refers to the nitrite salts or the nitrous anhydride. The interchange of nitrogenous material to mineral nitrogen is a most necessary cycle, for without it life in the form of the vegetable and animal kind would soon become extinct. Some of the organic nitrogen in this process of cyclical change becomes the inactive or pure elemental nitrogen. This by electrical disturbances and by plant assimilation again becomes active or assimilable nitrogen matter.

We have examined a very large number of flours from different sources some of which we know to have been bleached, and some of which we know not to have been bleached. The largest percentage of nitrous anhydride found in those which were bleached was .0001%, lowest .000017%. Of those which from their appearance and their history we know have not been bleached we have found as high as .000025% and down to nothing. We have examined several samples of durum wheat which had been stored in the building for several months and in a room to which nitric acid or the fumes of nitric acid have no access and have found in those which we know not to have been bleached an amount substantially equal to that in other samples which by their appearance are clearly shown to have been thoroughly bleached. The amount found in these durum flours ranged from .000015% to .00002%, the amount at this time being substantially equal for flours which were bleached and those which were unbleached. It is possible that the nitrous anhydride which is in the flour which has not been bleached, especially very old flours, has been either taken up from the air or has been produced in the flour from nitrogenous compounds present, by the action of bacteria. We know that moisture and proper temperature will stimulate the growth of the low forms of vegetative life which bring about gradual minute changes that it is almost impossible to measure by our present and finest scientific means. We have made examinations of bread baked from flours which were bleached and which showed the largest quantities of nitrous anhydride, and in this bread, in the most aggravated cases have found only infinitesimal amounts of nitrites and in most cases none. The highest amount found of nitrous anhydride was .0000025%, or twenty-five ten-millionths of one per cent, or twenty-five thousandths part in a million. We have also examined soda crackers, one sample of which was received in a well sealed package, and this contained no nitrites. Another sample of soda crackers sold in bulk contained .00002%, equal to two-tenths part per million.

Aside from examining a great many flours together with the bread made from such flour, other food products and food stuffs were examined for the presence of nitrous anhydride. Among these Royal Baking Powder was found to contain .00001%, Dr. Price's Baking Powder .00002%, Arm and Hammer Brand baking soda contained .00001%. Among fresh vegetables examined, one sample of celery contained .000005% and a sample of fresh cucumbers contained .000002%. Among preserved meats in the preparing of which salt petre is extensively used, and where it is not used but probably replaced by the lower grades of table salt, we have found for dried beef .00004%, corned beef, two samples from different sources, each .00054%, one sample ham .0008% and another sample ham .0013%. Beside this nitrites in considerable but undetermined quantities have been found in



other samples of ham and preserved meats, such as sausages.

In summing up the results herein given, it will be necessary to make a comparison of the nitrous anhydride found in meat with that found in our food stuffs, bleached flour and bread made thereof. It can be shown that in meats preserved with salt petre a large quantity of nitrate is converted into nitrite. Some samples of summer sausage which were made the previous season showed only nitrites and no nitrates whatever. The preserving action of the nitrate salt on meat is no doubt to some extent due to this reduction change. We find that rain water in some locations contains at certain times of the year 1.425 milligrams to 1.71 milligrams, which is equal to 1.4 to 1.7 parts per million of  $N^2O^3$ . The highest bleached flour which we have examined runs one part per million of  $N^2O^3$ . The highest amount we have found in bread made from bleached flour is twenty-five thousandths (.025) part per million, or in other words, in the ham which we consume we have five hundred times as much. The United States Dispensary gives the maximum safe dose of sodium nitrite as three grains, equal to .19 gram, figured to  $N^2O^3$  is equal to .1 gram. As high as twenty grains of the commercial sodium nitrite have been given without serious effects.

It will be of interest to calculate how much bread it will be necessary to consume to get an equivalent of the maximum dose of sodium nitrite. (The flour is eliminated in these calculations for the reason that no one eats raw flour, and raw flour bleached or unbleached eaten as such would act as a very severe poison because of its mechanical irritation.) Of bread containing twenty-five thousandths part per million (.025) and a loaf of bread weighing about 453 grams, or one pound, it would require, in order to get .1 gram of nitrous anhydride,  $N^2O^3$ , into the human system, the consumption of 10,000 loaves of bread which would be equal to about 36 barrels of flour. The average individual consumes about one-half loaf of bread a day, or all told, 182 loaves of bread a year. Figuring that he would commence to eat this half loaf of bread beginning with the day he was born, and that he had retained unchanged all the nitrite, he would be 55 years of age by the time he had consumed the 10,000 loaves of bread necessary to give him this .1 gram of nitrous anhydride.

It will be interesting to show the results of some experiments made to bring out the causes for the disappearance of nitrites from bleached flour during the making of bread:

TABLE III.

Quantities of spring patent flour were dried over night, and in the morning examination for nitrites was made in the usual way.

Temperature of oven.	Per cent nitrous anhydride.
105 degrees C. = 221 degrees F.	none
75 degrees C. = 169 degrees F.	.00006%
40 degrees C. = 104 degrees F.	.0001%
Not dried,	.0001%

Three lots of spring patent flour of 20 grams each were made into a sponge dough and put in the proving case over night. In the morning it was found the temperature had risen somewhat above 100 degrees F. The flours were tested in the morning for nitrites in the usual way.

Yeast in dough, none.	Nitrous anhydride, none.
Yeast in dough, 1 gram.	Nitrous anhydride, none.
Yeast in dough, 2 grams,	Nitrous anhydride, none.
In original flour,	Nitrous anhydride, .0001%.

Three lots of spring patent flour of 20 grams each were made into dough as on preceding day and allowed to stand over night at room temperature. Determinations of nitrites were made in morning.

Amount of yeast.	Per cent nitrous anhydride.
None,	.0001%
1 gram,	.00001%
2 grams,	.000005%
In original flour,	.0001%

It will be noted that in the first experiment where the flour is dried over night at a temperature of 221 degrees F. that all of the nitrite disappears. At a temperature of 169 F. it is reduced from .0001% down to .00006%. At a temperature of 104 F. no change takes place. In experiment No. 2 it will be noticed that from flour made into a dough with water and allowed to ferment in a proving case all of the nitrous anhydride disappears. The same is true when 1 gram and 2 grams of yeast are added to the flour before making a sponge. In the third experiment we notice that this change

does not take place in the sponge made directly from flour without the addition of yeast when kept at ordinary room temperature. Better action takes place, however, when one and two grams of yeast are added to the flour. There is a reduction then of .0001% to .000005%. In the third experiment the nitrous anhydride would have all disappeared had the correct incubating temperature been used. From the results of these experiments we see that drying at sufficiently high temperature dispels all of the nitrous anhydride; that the bacteria in the flour when given sufficient water in the making of a dough and kept at suitable temperature have the property of utilizing this nitrous anhydride for their own growth, either changing such product to nitrates or ammonia or even building such nitrogen compounds into more complex organic nitrogen compounds for its own economy. This disproves conclusively the statement made by the authors in their bulletin, to-wit, that they believe nitrites are present to the same extent in the bread that they are present in the flour, and give as an excuse for the difference in these results the method used, namely, that the water will not extract nitrites from the bread as readily as from the fresh flour.

In the article of Prof. Ladd before the food commissioners at Jamestown, he presents the following contentions: That in addition to the nitrites in flour that are extracted by water, nitrites are present in two other conditions, those found in connection with the fat, and those in connection with gluten. In his contentions that nitrites are present in combination with the oils he cites the method of detecting bleached flour presented by Fleurent and also one proposed by himself. (For comparison of results by these methods, see Table II.) The method of Fleurent of detecting bleached flours is open to this objection: it depends upon a color produced in the oils extracted from the flour by the action of certain reagents. When these same reagents are applied to lard oil and even to a pure colorless lard, a color is produced which is exactly similar to that produced in bleached flours, such color being due to the action of this reagent on the organic matter present. If, now, we add to the lard, the lard oil or the oil from bleached flours a small quantity of coloring matter similar to that obtained from natural wheat flour and then apply our reagents, the reddish color produced by the reagents on the oil is obscured to such an extent by this added yellow color of unbleached flour that it is substantially impossible to distinguish between the oil treated in this way and that from flours which are unbleached. The natural conclusion to be drawn from these experiments is that Fleurent's reagent produces this red color by acting on the organic matter in the oil, and that this action is not necessarily due to the nitrites. The reason the red is not seen in oils from unbleached flours is because the coloring matter obscures the reaction.

We have carefully followed out the method proposed by Ladd for detecting bleached flours in which he determines the presence of nitrogen in the oil of the flour by converting this nitrogen into ferrocyanids and subsequently obtaining a blue color with the ferric chlorid. By consulting Table II, it will be seen that we have obtained this blue color in several instances from flour which was not bleached and which did not show the presence of nitrites by the Griess reagents on water extract; that in some instances when the method was applied to oils from flours which were known to be bleached, and which gave a distinct reaction with the Griess reagent on the water extract, no blue color was obtained by the method given by Ladd. The inference, therefore, to be drawn is that it is neither an infallible method for the detection of bleached flours nor does it show in the oils of commercially bleached flours the presence of appreciable quantities of nitrogen, whether in the form of nitrates or in any other form.

It will be of interest at this place to call attention to the difference in iodine absorptions of the oils in bleached and unbleached flours as given in the article of Ladd, and earlier in the article of Fleurent, of France. A considerable number of experiments on the coloring matter of flours in comparison with carotin, which is the coloring matter of carrots, leads us to believe that they are substantially the same color. It is distinctly stated under the head of carotin in Watt's Dictionary by Morley and Muir that carotin forms with iodine a distinct compound. According to the formulas given for carotin and for the iodine compound of carotin, the amount of iodine absorbed by carotin in the formation of this compound is equivalent to more than 70 per cent of the actual weight of the carotin itself. No one has determined the actual weight of the coloring matter actually present in flours whether bleached or unbleached. It is exceedingly variable under natural conditions and is subject to constant variation in amount. Nevertheless, it is apparent that anything which



will tend to destroy or alter this coloring matter will tend to alter the iodine absorption of the oil of flours in which it is contained. For it is well known that there is no practical means of extracting the coloring matter without extracting the oil of the flour or of extracting the oil without also taking out the coloring matter. This is emphasized by experiments made in our laboratories in which the green color produced by the action of iodine on carotin is discharged by the use of bleaching agents on the flour, such as chlorine, peroxid of nitrogen, and nitrosyl chlorid, and the coloring matter extracted from bleached flours in which peroxid of nitrogen, nitrosyl chlorid, or chlorine has been used does not give the green color when treated with iodine, showing that the iodine compound is no longer formed. The change of the character of the coloring matter will largely account for the change of the iodine absorption in the oil of commercially bleached flour. Its change would not in any way increase or decrease the food value of the flour.

Prof. Ladd states in his article at Jamestown that oils which he had obtained from well bleached flours which had been stored in his laboratory for several months had a peculiar pungent, rancid odor, and that the oil was stringy and glue-like, while oil obtained from a similar unbleached flour was wholesome and not rancid. This is entirely contrary to our own experience, for we have been unable to find any unsatisfactory condition in the oil obtained from commercially bleached flours, even though they had been stored for a considerable time. Fleurent in his article, well known to all who are interested in the subject of bleached flours, has stated that in experiments carried on by him in which bleached and unbleached flours were stored under exactly similar conditions, the acidity of the unbleached flour was materially increased over that of the corresponding bleached flour. He attributes this to the retarding of the oxidation of the oils because of the combination of the nitrous oxide with the fatty acids. His experiments show that no increased rancidity of the oils was due to the bleaching of the flour.

Prof. Ladd further states that the bleaching of flour has a marked injurious effect upon the gluten, and in support of this contention, in his article at Jamestown, cites some experiments in which he shows that when he has over-bleached the flour to a marked degree that he was unable to obtain as much gluten as from the same flour unbleached. He attributes this loss of gluten to the oxidizing effect of the oxide of nitrogen on the gluten. He states that the gluten obtained from the bleached flour was stringy and very difficult to wash out. The great length of this article prevents us from answering this question in detail. We will content ourselves by saying that in our daily examination of flours from all over the United States for the past four years since bleaching has come in vogue, we have never met with this condition. Naturally if you pour acid material into a flour freely, so as to produce certain effects, you would expect such results as cited by Prof. Ladd. The same condition is produced by mixing up the flour with sour milk, and normally by fermentation in the making of bread.

In experiments for the determination of nitrites in the gliadin of flours carried out as described in Ladd's article, we were unable to obtain the slightest trace of nitrites from the gluten of flours bleached as they ordinarily are for the market. The general public is not interested in over-bleached flours made in the laboratory, but in flours as found on the market. Overbleached flours in which the gluten is destroyed would have no commercial value.

It has been shown that nitrites are found pretty much distributed throughout the human body, the human saliva having been found to contain two parts per million, equivalent to two ten-thousandths of a per cent (.0002%). This amount is equal to twice as much as the highest which we found in bleached flour. Prof. Ladd says in his article read at the Jamestown convention, speaking of the saliva sometimes containing nitrites ("whether this be normal or abnormal has not been shown"). We would like to refer him to such authors as Neumeister<sup>18</sup>, Hoppe Seyler or any of the leading works on physiological chemistry. If this is not ample proof, we would advise him to test his own saliva or that of any others of whom he may desire, and he will find that nitrites are almost invariably present. Prof. Ladd states in this same connection "therefore the further addition of nitrites to food can do no harm, is as groundless as would be the statement that since saliva contains potassium sulphocyanid, therefore this poisonous product should be added to our food." The only reference we wish to make to this statement is that potassium sulphocyanid has not as yet been proven to be a serious poison, but is known to be comparatively harmless. Sulphocyanid has been given in the form of the sodium salt

in doses of one-half to one gram daily without producing any untoward symptoms or disturbances of any kind. These experimenters found in well persons in the urine of twenty-four hours .0476, in the saliva per litre .003 grams of potassium sulphocyanid. Smoking, physical exercise and fever increases this body in the urine. This salt is probably produced by the interaction which takes place between the decomposition products of the (Nitrile Fett Säure) and the sulphur obtained from the decomposed albumin molecules<sup>19</sup>. In the intestinal canal there is, no doubt, a very high percentage of nitrites just before the denitrifying process is complete. The colon bacillus has the property of converting nitrates into nitrite and from this latter stage into ammonia. There is, no doubt, also a reversible action going on which is changing ammonia compounds into nitrates. These are either eliminated by the bowels as such, or are recombined into more highly complex nitrogen compounds. The formation of nitrites is always the intermediate step between the ammonia and nitrate products.

Before closing this part of the discussion, it would be well to mention the delicacy of the Griess reaction. According to Warrington this test will show as little as one part of nitrous anhydride in a billion of water. The only reason, therefore, that nitrites are detected in flour is on account of this extremely delicate test, for most of the bleached flours which we have examined have gone to the fifth decimal point as expressed in per cent. When we compare these amounts of nitrous anhydride with the amounts of sulphurous anhydride left in food products such as dried fruits, wines, and other manufactured products, there may be found of this latter from fifty to several hundred times that of the nitrites found in bleached flour. In fact, after the chemical method for detection of sulphurous anhydride fails, there would still be left severaltimes more of sulphurous acid in those products than there would be of nitrites in the flour.

Traces of mineral poisons are found in all of our food stuffs and we might mention such elements as arsenic, copper, zinc, and in fact, all mineral elements. The French school has always held that arsenic in infinitesimal quantities is found in all of our food stuffs and is widely distributed throughout the vegetable and animal kingdom. One of the latest tests used to prove the presence of arsenic is what is known as the biological test.<sup>20</sup> The mashed matter is inoculated with a certain specie of mould (*Penicillium brevicaulis*) and kept at suitable temperature. The presence of arsenic is detected by the development of a peculiar garlic odor. This same garlic odor reaction is obtained by making the hydrogen arsenite compound.

We might mention here a few of the high authorities on the wide distribution of arsenic in the vegetable and animal kingdom. Armand Gautier<sup>21</sup> finds traces of arsenic in all waters, especially saline and sea water. Per kilogram, in the finest French table salt, he found .03 of a milligram. This is equal to three millionths of a per cent. In distilled water he found one-thousandth milligram (.001 m. g.) per litre. This is equal to one ten-millionth of a per cent.

The same author<sup>22</sup> further shows that 100 grams of each of the following contain arsenic:

Beef,	.00006	—	.00008 of a milligram.
Calf meat,	.000012	—	.001 of a milligram.
Mackerel,	.0025		of a milligram.
Testicle of bulls,	.0012	—	.001 of a milligram.
Egg yolk,	.0004	—	.0005 of a milligram.
Egg membrane,	.023		of a milligram.
Milk,	.00007		of a milligram.

These findings are verified by such authors as Gabriel Bertrand<sup>23</sup>, F. Garrigon<sup>24</sup>, and M. Seagle.<sup>25</sup> Traces of arsenic are found in all the organs of man. It has been found in the new born and in the menstrual blood. When we compare the amount of arsenic found in mackerel with the amount of nitrous anhydride found in baked bread, the amounts are substantially the same. The dose of arsenious acid is about 1/30 of a grain (equal to .002 gram). Comparing this dose with the dose of nitrous anhydride, it will be seen at once that arsenic is fifty times more powerful. Further than this all metallic poisons are cumulative in their effects, while nitrous anhydride is changed and eliminated from the body.

DOES THE PROCESS OF BLEACHING FLOUR INJURE QUALITY OF SAME?

We have made a very extensive examination of flour from the very introduction of bleaching up to the present day. Our earliest conclusions as to the effect of bleaching upon flour were that the only essential influence which the gases used in bleaching exert upon the flour is to change the character



of the yellow color which is characteristic of all fresh milled flours. This process of bleaching flour is well known to the miller and has been used by him for a great many years to improve the quality of his flour and commonly called by him aging. During this process of aging, the flour is allowed to come in contact with the air, whereby the yellow color is changed in a manner similar to what is now done more quickly by the exaggerated processes known as the bleaching processes. Bakers have also taken advantage of thorough mixing of the dough by which they work into it large quantities of air and thus alter the color of the flour in a similar manner. Two batches of bread, the dough of which is made from the same flour and manipulated in two different ways, will produce bread, the color of which may be several shades apart. The difference in color may even be greater than when two flours, one strongly bleached and the other unbleached, are worked by the same process in bread making.

The most exhaustive analysis made of bleached flour fails to show even the slightest change of any kind in the proximate principles such as the gluten, soluble and insoluble proteids, starch, etc. The small trace of nitrites found cannot be considered as a chemical residual, because we know that flour which has been stored for a long time often contains nitrous anhydride. Furthermore, the infinitesimal trace of nitrites found here certainly from a chemical standpoint is hardly considered as being an entity even in pure chemical reagents. It is recognizable here simply because we happen to have a very delicate means of detecting its presence. We have repeatedly baked large numbers of bleached and unbleached flours side by side and have been unable to recognize in them any essential difference, except in some instances that differences which is due to the drying out of the flour to a slight extent by the passage of the air through the flour during the bleaching process.

We have never found any indication that any residual substance or any change in the flour produced by the bleaching process had any influence whatever upon the growth of the yeast cell, which is influenced materially by the presence of the slightest antiseptic material. The yeast cell is one of the most sensitive forms of life which we have and comes in contact with the flour before any change such as we find takes place during the baking of bread has been brought about. We have never been able to detect by the sense of taste or of smell any difference in bread which was baked from bleached flour and from the same flour which was unbleached when the baking process is carried on in the same manner for each. We have never been able to obtain an expression of opinion from a baker that he was able to detect the slightest difference in flours that had been bleached and those that were unbleached, and before the Bakers' Convention in New York invited bakers to give their opinion for or against the use of bleached flours, and were unable to obtain the slightest criticism of them. From these observations and investigations we naturally must arrive at the conclusion that bleaching of flour does not injure the quality of same.

#### ADVANTAGES.

The color of bread produced from flour is an important point in the minds of a great many consumers of this article. They insist that the bread shall be of the whitest, just as they insist that butter shall be of an agreeable yellow tint. It was well known by the framers of the anti-butterine law that to prohibit the makers of butterine or oleomargarine from coloring this article was substantially to destroy its market value. The people from one end of the country to the other demand white bread. The leading objection to flour of medium grades such as second patents and straights is the darker color which they have. In many instances they can by the bleaching process be made quite as presentable to the consumer as unbleached flours of a higher grade. From the standpoint of food value they would always be preferred to the higher grade flours, for they contain more of the nitrogenous matter and more of the ash material, for the presence of which whole wheat flours are so highly lauded. The milling process is essentially a process of gradual reduction by which the flour material of the whole berry is separated from the bran and other material which is sold for feed. In this process the more starchy material which is of comparatively low food value is separated out first and if put by itself constitutes a high patent flour. The other streams of flour are more or less intermingled with bran particles. By purifying, the bran is removed. The purified material is then suitable for patent flour. The outer portion of the flour material in the wheat berry is darker than the inner portion, for which reason it is objectionable to the consumer of the bread. By judicious bleaching and by perfect purification the miller can include into his patent flour of less food value a considerable portion

of the same flour material, but of a higher food value than that of which the earlier separations are composed. The inferior grades of flour like second clears and low grades cannot be successfully bleached and if they are bleached their defects are brought out more clearly by the fact that the yellow color which formerly disguised the impurities has been removed.

From the standpoint of the commercial baker and of the consumer of bread, bleached straight grades and second patents are preferable to the higher patents, because they will in many instances make a larger loaf of bread and more loaves to the barrel of flour and also have a greater food value. Such flours sell for less in the market because of their deeper color, in spite of the fact that they have a higher food value, and not because they are in any manner less economical for the baker to use or in any way inferior as an article of food. Such advancement in the milling industry cannot be considered as substituting an inferior article for a superior one, but as a matter of fact it is substituting a superior article for an inferior one. This superiority has been most emphatically brought out and demonstrated by many bulletins issued by the United States Agricultural Department and the various experiment stations on the food and feed value of different food and feed stuffs treated from an economic standpoint.

It is characteristic of certain wheats that they have a very strong color which has made their flour decidedly objectionable to the trade. Such flours are some of the Kansas, Oklahoma, and other hard winter wheat flours; also the durum wheat flours which latter wheat has been found especially adapted to certain sections of the west and northwest that are unsuited to the growth of the ordinary spring varieties of wheat. By the proper bleaching of these flours the market value of the wheat from which they are produced may be greatly increased, thus benefitting the farmer in the sections in which they are grown and materially extending the wheat producing area of the country. The greatest objection which has been urged against the use of durum wheat flours in the making of bread is their strong yellow color, and yet Prof. Ladd cries fraud because a method has been found by which this yellow color may be removed and the material used in connection with other flours of equal food for bread making purposes. By attempting to exclude the use of bleached flours from the state of North Dakota, the Commissioner of Foods who is supposed to be serving the whole people of his state is curtailing the value of the semi-arid wheat lands which are especially adapted to the growing of durum wheats.

#### CONCLUSIONS.

In summing up our conclusions from the foregoing, we would give in answer to the question, "Is there left in the flour after bleaching a residual product harmful to health?" the reply that when looked at in the light of ordinary standards of comparison we find absolutely none. The material which the Food Commissioner of North Dakota complains has been found in bleached flours is present in food products made therefrom in less quantities than it is normally present in numerous other articles of food, in parts of the human body and possibly in parts of every living organism. The amount thus found is so infinitesimally small that if chemical reagent of the same delicacy were applied to the examination of food stuff of whatever kind for detecting the presence of several mineral substances of a more poisonous nature than nitrous anhydride, the results would be such that with equal fairness to all it would be necessary to exclude from use every substance which is now being used or ever has been used as an article of food for man. The fact that the yeast cell and the natural bacteria in the flour at proper temperature, such as is used in bread making, either for the sponge or the straight dough, removes all of the nitrites during the fermentation of the dough (see Table III), is conclusive proof that any nitrites which may have been in the flour are (under normal conditions of bread making) removed before the final baking process is commenced.

After having made daily, during the four years in which the various bleaching processes have been used, thorough examinations of flours, aggregating several thousands of samples of all kinds and from all sections of the country, we have failed to find a single instance in which there was any indication that the quality of any flour had been injured by the bleaching process or that the value of the flour had been in any way impaired by the bleaching for any of the purposes for which flour is used.

The bleaching of flour does not perpetrate a fraud upon the purchaser, for it does not permit the substituting of an inferior article for a superior one. On the other hand, it does make more suitable for use articles of a superior value which, are in a measure otherwise objectionable, because of a



lack of that finishing step in the process of manufacture which it is the purpose of the bleaching process to bring about. The opinion which we have given in this article is corroborated by such eminent experts as Prof. Harry Snyder, of the Minnesota Experiment Station; Prof. Avery, of the University of Nebraska, and Prof. Kaiser, of the Washington University, St. Louis, Missouri.

#### CRITICAL ANALYSIS OF LADD'S BULLETIN.

Mention has already been made of the Bulletin by Ladd and Stallings, issued by the North Dakota Agricultural Experiment Station during the present year, as Bulletin No. 72. This publication, coming as it does from an official source, distributed as it was at government expense, loaded as it is with inaccuracies, misstatements and errors, is well calculated to prejudice and mislead the general public and requires more than a mere passing notice. We have, therefore, considered it necessary to analyze it thoroughly and review it in detail.

On page 222, the authors sum up their conclusions after quoting a few authorities by saying, "It will thus be observed and it is generally maintained that the process of bleaching is a questionable practice." The quotation from Tasker of the London Flour Trade Association does not have any weight for the reason that the knowledge of flour possessed by the average flour jobber or buyer when analyzed in a critical and technical sense is of very little value. The opinion of the English baker or any other baker, unless he has had scientific and technical training, is hardly a sound basis for scientific conclusions.

On page 221, where they quote a paragraph from the National Food Law, the term "stain," etc., would, to our minds, have no bearing when applied to bleaching of flour. Referring to the application of the preservative on the same page this, of course, is thrown out completely for the simple reason that yeast would not grow if flour contained a preservative. On the same page where they quote Fleurent that bleaching acts as a preservative for flour, this author probably did not mean that a preservative was introduced into the flour, but rather that by proper drying out there was less tendency for the flour to become mouldy or altered from storing. On the same page the words, "The National Standard Dispensary," should read "The National Dispensary." Furthermore, the comparison of the physiological dose of sodium nitrite with that of amyl nitrite has no practical or scientific value.

On page 222 they speak of tests for nitrous acid. As yet nitrous acid has not been isolated by chemists. Experiment No. 2, second line, the figure should read .14785 mgs. instead of .014785 mgs.

Page 223 they again use the term nitrous acid. This, of course, is never present in the bread as such, even if what is commonly called nitrous acid has been used, for this would immediately have combined with some of the constituents of the flour. On this same page it is interesting to note that in order to make the amount of sodium nitrite high in the bread which they made under experiments No. 1 and No. 2, the loaves were each made of 18-ounce size instead of the recognized 14 to 15-ounce loaf. The amount of sodium nitrite found in the loaf of bread in experiment No. 1 is equal to 1/147 of a grain; in No. 2 1/18 of a grain. We have already refuted these figures by our own experiments.

On page 224 are given results as to the size of bread baked from the same and different weights of flour. In these the differences in measurements are so small for the different loaves of bread that they may well be attributed to experimental error, for under the most carefully controlled conditions it is not in all cases possible to obtain exactly uniform results in the baking of two loaves of bread from the same flour. When taking into account the variations in the amount of flour which they used, a careful analysis of the results which they give, shows that the difference in favor of the unbleached over bleached flour is practically nothing. In some cases the loaf from the bleached flour was larger than the unbleached according to the measurements given. As a result of thousands of baking tests and a great many so-called average tests, it has been demonstrated that bleached flour gives a slightly larger loaf volume than the unbleached. This is accounted for by the fact that the longer patents and straight grades contain more gluten, which naturally will give a larger expansion when compared with the former run of high patent flours which it was necessary to use to produce the desired color. Then again, the aeration of the flour which must be practiced in bleaching also acts as an adjunct in maturing the gluten by removing superfluous moisture. There is no indication whatever that the expansive quality of the gluten is deteriorated when flours are bleached as is now practiced by the merchant millers.

The variations in the amount of flour used as described in

the Bulletin is a very questionable point in their experiments. To make accurate comparisons they should have determined the amount of water necessary for the flour before beginning their experiments and then used the requisite amount of water and flour without variation to the end. The introducing of more flour without means of carefully checking the stiffness of the dough which they were producing, introduces experimental error which may have entirely changed the results of the experiment, for it is well known that the stiffness of the dough has much to do with the volume of bread which will be produced from a given weight of flour. As to the decided difference in odor and taste of the bread which they and others who examined these breads noticed, we wish to state that in our work here in the laboratory, where we make thousands of loaves of bread from bleached and unbleached every year, we have not once noticed any such condition. It is true that it might be possible to overbleach the flour to such an extent as to unfit it for bread-making purposes, and that it might then retain sufficient of the nitrous anhydride to produce a disagreeable odor and taste. As already stated, flour thus treated would have no commercial value. With hardly an exception all the merchant millers in the United States and foreign countries are bleaching their flour, so that most of the bread eaten today is made from bleached flour, yet no one hears of any complaint from baker or consumer as to the bread having any taint or odor, or that it is in any way inferior to bread made from unbleached flour.

On page 225 reference is made to the character of the gluten from bleached and unbleached flours. Records of tests are given in which the gluten was washed from the flour and subjected to expansion in cylinders under the influence of heat. Pictures of these moulded glutens after baking are shown on page 225 of the bulletin. A mere cursory examination of the figures in connection with the pictures given shows that there is a wide variation between the latter and the former, yet there is nothing to lead us to believe that there is any difference in the trials recorded on the one page and on the other. Further than this it has long been known and frequently mentioned in the literature that the manner in which the gluten is manipulated after it has been washed from the flour has much to do with the expansion when it is subjected to heat. This is apparent either when enclosed in a brass cylinder as in these experiments or when allowed to expand by itself in a heated oven. For this reason it has long been urged as an objection to this method of testing gluten that the manner in which the gluten was put in the cylinder modified the size of the expanded gluten as much as the difference in the character of the flour from which the gluten was obtained. The only proper way to test the expansive quality of gluten is while it remains in the flour in its natural condition where it may be subjected to the same influences that are present in the making of bread. It would have been to the point to have submitted photographs of loaves of bread showing the differences which they claim to have found between the bleached and the unbleached flours. If they had presented a picture of the loaves of bread, the dimensions of which they give on page 224, the differences would not have been apparent to the naked eye. It is doubtful if these differences could have been detected by the ordinary observer when the loaves were actually present and under observation without the aid of some instrument for measurements. If the gluten had deteriorated to the extent that is shown in the picture, then the bread made from these same flours should have shown the same relative conditions. That it did not, reflects seriously upon that method of testing gluten.

The next subject of comparison which is given in the Bulletin on page 225 is that of the absorption of water by the bleached and unbleached flours. They give the absorption for an unbleached patent flour from spring wheat as 69.5 per cent, for the same flour bleached 64 per cent, and for the same when overbleached 60 per cent. In the course of our laboratory tests of flours, of which we make thousands every year, we make an examination for the amount of water which the flour will absorb and have never yet found a spring wheat patent flour which in its normal condition was capable of absorbing as high as 60 per cent of water to make a dough such as bakers use. The average absorption of flours of this character is from 60 to 62 per cent of water, depending upon the season and other conditions. When a flour is abnormally dried out it will take larger quantities of water, but it is hardly possible to dry a flour to such an extent that it will take as high as the per cent which they have given. The normal moisture in flour is about 13.5 per cent, and to increase the absorption to 69 per cent, would require a loss of



water sufficient to make the moisture not above 5 per cent, even under abnormal conditions as to exposure to air and heat. A flour exposed to ordinary air could hardly be made to contain a per cent of moisture so small as to make the absorption of a spring wheat patent 69 per cent. Among a very large number of samples of flour which we have examined which were known to be the same flours bleached and unbleached, we have never yet found a single sample in which the unbleached flour had a higher absorption than the bleached in which the higher absorption could not be directly charged to the greater dryness of the flour. So positive is our method of determining the amount of water which should be given to a flour to make a dough of standard stiffness, that when there has been a loss of moisture to the extent of 1 per cent, it is readily recognized in the absorption, and we have in a very large number of instances been led to verify this suspected loss of moisture by making moisture determinations upon samples which had shown an abnormally high absorption or an absorption above what we expected it should be. If anything, a bleached flour is likely to have a higher absorption on account of the drying out produced by aeration with air. It is a simple matter for a competent person to accurately determine the amount of water which should be added to a flour to make a dough of stiffness uniform with that of another flour which may be adopted as a standard. That these experimenters did not do so in the making of their test loaves of bread before beginning their experiments destroys the value of their results.

On page 228 the authors make the statement that flours not bleached and stored in a mill where the process of bleaching is conducted may be expected to absorb sufficient of these gases to give a reaction for nitrous acid. In the experiment cited of placing bags of unbleached flour between two bags containing bleached flour, in which the unbleached flour soon absorbed a determinable quantity of "nitrous acid," the authors do not seem to take into consideration that all chemical laboratories contain nitric acid and that more or less fumes of oxides of nitrogen are present. Furthermore, it seems ridiculous to think that flour under such conditions will absorb these nitrite products from bleached flour stored in bags side by side, knowing that the nitrous anhydride must be there more or less firmly combined and no longer volatile and contending as do these authors, that when such flours are made into bread, fermented and then baked at high temperature the nitrous anhydride was not volatilized. The assumption would be that the bags containing the unbleached flour probably took up the nitrous anhydride from the fumes circulating in the laboratory. In our own experiments, of which mention has already been made, we find that the reaction for nitrite disappears in the flour after heating the same for a considerable length of time at a temperature of about 212 degrees F., but where a small quantity of flour was kept in a large case at 104 degrees F., protected from possible nitrous vapors in the room, the amount of nitrous anhydride in the flour was fully equal to that present in the flour before it was subjected to this treatment, showing that it is not in a readily volatile condition.

On this same page the authors state that "nitrous acid" is not generally absorbed by flour under ordinary conditions, and mention the fact of examining a flour which had been kept for at least five months in a flour mill where there had been no bleaching and this showed clearly no reaction for nitrous acid or nitrite. We have already called attention to the fact that some macaroni wheat flours which were not bleached and which were kept stored in our mill away from all fumes gave distinct reactions for nitrous anhydride. This material would naturally be expected to be present in flour after severe electrical disturbances.

In summing up the general conclusions, page 235:

1. "Has anyone a right to treat a product like flour which forms the basis of our food products by a chemical process unknown to the consuming public?" Yes, providing it does not deteriorate or injure the product. We would cite the manufacture of cane sugar as a very excellent example.

2. "Bleaching is not an improved milling process, but is the introduction of chemical agents for the purpose of treating the flour which is analagous to bleaching of fruit and other food products." To our mind it is an improved milling process for the miller. In order to do good work with his bleacher he must improve his purifying to a much greater extent and in that way it makes him a better miller.

3. "There is employed in this process of bleaching a chemical agent physiologically very active." The 10,000 loaves example which we have cited we believe answers this question fully, but we might add that in the process of making

bread there is also produced in considerable quantity a chemical agent, "physiologically very active," namely alcohol.

4. "The bleaching agent is nitrous oxide." The authors evidently intended this to mean nitrous anhydride which they have been calling nitrous acid. If they mean nitrous oxide, which is laughing gas and used by dentists to produce anaesthesia while extracting teeth, no bleaching will take place.

5. "Nitrous oxide remains in the flour after bleaching." They no doubt mean nitrous anhydride.

6. "Nitrous oxide, or the salts resulting therefrom, remains in the flour so bleached." As far as we are able to learn from the literature nitrous oxide does not produce salts that would have been detected by the methods which the authors used.

7. "The quality of gluten is injured by bleaching." We have already explained wherein these contentions are not sustained.

8. "It is recognized that ozone is not a bleaching agent which can be used for flour bleaching." This is partly true, but is irrelevant and not material to this case.

9. "Bleaching permits of using low grade flours in place of patents." If this were true it would be advantageous from a high food value standpoint, as it would be better and more economical for the consumer, but unfortunately it is not true.

10. "Low grade flours produced from well cleaned wheat can be successfully bleached to resemble high grades or patents." No experimental data on this point has been given in the body of the Bulletin. All millers know that low grade flours cannot be made to resemble patents by bleaching or by any other method.

#### BIBLIOGRAPHY.

- <sup>1</sup>Charbrier, Comp. rend. 68, 1869, 540.  
J. B., 1869, 229.
- <sup>2</sup>Comp. rend. 73, 1871, 485.  
C. B., 1871, 583.
- <sup>3</sup>Charbrier, Comp. rend. 73, 1871, 1273.
- <sup>4</sup>Charbrier, Comp. 73, 1871, 186-249.  
C. B., 1871, 486-534.
- <sup>5</sup>Charbrier, Comp. 68, 1869, 540.
- <sup>6</sup>Musgrave, Chem. N., vol. 46, 1882, 217.  
J. B., 1882, 1232.
- <sup>7</sup>R. Botger, Z. anal. Chem., vol. 12, 1873, 232.  
C. Merster, Ber. vol. 22, 1889 and 1901.  
P. Griess, Ber. v. 11, 1878, 624.
- <sup>8</sup>Schönbein, J. B., 1862, 98.  
B. Gl. Goppelsroder, Ann. Pogg., vol. 115, 1862, 125.
- <sup>9</sup>Bence Jones, Ann. vol. 92, 1854, 343.  
J. B., 1850, 582.  
Ann. vol. 82, 1852, 368.  
J. B., 1851, 322; 1854, 313.
- <sup>10</sup>Jaffe, J. prakt. Chem. 159, 1853, 238.  
J. B., 1853, 333.
- <sup>11</sup>H. Struve, Petersb. Akad. Bull., vol. 15, 325.
- <sup>12</sup>Ed. Ackermann, über die Prüfung der Milch auf Nitrate  
Schweiz, Wochenschr. f. Pharm. 36, 285-287.  
Chem. Centralbl. 1898, vol. 2, 504.
- <sup>13</sup>Stepanow, Archiv. f. experime. Pathol. u. Pharmack, vol. 47, 411, 416.
- <sup>14</sup>Erich Harnack, Archiv. internal. de pharmacology et de therap., vol. 2, 185-283.
- <sup>15</sup>Neumeister, Lehrbuch. der Physiologischen Chemie, 738.
- <sup>16</sup>Schönbein, J. prakt. Chem. vol. 88, 1863, 460.
- <sup>17</sup>Schönbein, J. prakt. Chem. vol. 105, 1868, 205.
- <sup>18</sup>Neumeister, Handbuch. der Physiologische Chemie.
- <sup>19</sup>Arth. Mayer, Deutsch. Arch. f. klin., vol. 79, p. 194, 208.  
Arth. Mayer, Deutsch. Arch. f. klin., vol. 80, p. 407-408.  
A. Haussman, Deutsch. Arch. f. klin., vol. 74, 207-218.  
Mediz. klinik. Freiburg.
- <sup>20</sup>M. Seagle, Biological test. Zeitschrift, f. physiol. Chem. vol. 42, 175-180.
- <sup>21</sup>Armand Gautier, Compt. rend. coc. biolog. v. 55, 1025-1027.
- <sup>22</sup>Bull. de la Soc. Chimiq. de Paris (3) vol. 29, 913-915.  
Bull. de la Soc. Chimiq. de Paris (3) col. 29, 869-878, 859-863.
- <sup>23</sup>Gabriel Bertrand, Bull. de Soc. de la Chimiq. de Paris (3) vol. 29, 925.
- <sup>24</sup>F. Garrigon, Compt. rend. vol. 1113-1115.
- <sup>25</sup>M. Seagle, Zeitschrift, f. physiol. Chem. vol. 42, 175-180.

#### INJUSTICE TO THE JULEP.

City Nephew—"And you never order lamb with mint sauce?"

Col. Frankfort—"I do not, suh. I think it is a very poor use to make of mint, suh."



# THE AMERICAN FOOD JOURNAL



Published Monthly at 334 Dearborn Street, Chicago

By H. B. MEYERS & CO.

Telephone Harrison 2473

Subscription, \$1.00 Per Year Foreign Subscription, \$1.50

Address all communications and remittances and make drafts, checks and money orders payable to THE AMERICAN FOOD JOURNAL, 334 Dearborn Street, Chicago.

All reading and advertising matter to appear in THE AMERICAN FOOD JOURNAL must be received at this office on or before the 12th of the month.

COPYRIGHT, 1907, BY H. B. MEYERS.

## THE BLEACHING OF FLOUR.

Conformable to our custom we place before the discriminating food specialists of this country both sides of the bleached flour controversy. The antagonists of bleaching with nitrous anhydride are well represented by Prof. F. E. Ladd, Food Commissioner of North Dakota, and chemist of the North Dakota Experiment Station. His conclusions were reached only after painstaking experiments and his official position and the fact that he has backed his opinions by proclaiming the bleaching of flour contrary to law in North Dakota (see new ruling on page 18 of this Journal), makes him a most powerful opponent to the well nigh universal custom of bleaching flour with nitrous anhydride.

The advocates of bleaching are represented by Dr. J. A. Westner and Prof. S. Teller.

Dr. Wesener is a practicing physician and one of the best authorities in this county on physiological chemistry. Prof. Teller was for many years chemist of the Nebraska Experiment Station, and since associating himself with the Columbus laboratories, both he and Dr. Wesener have devoted their time almost exclusively to the problems connected with the milling industry. The careful perusal of these two articles will post the intelligent reader on about all that is worth knowing in regard to the merits and disadvantages of bleaching.

It is scarcely necessary to point out the great interests at stake.

Bleaching shortens the time between the milling and the marketing of flour.

Bleaching makes high grade flour of what otherwise would sell for low grade on account of natural color only.

Bleaching allows a wider range of blending flours to produce the best results.

Bleaching makes a nutritious flour with a high protein content look as well and sell as well as a starchy and less nutritious flour with a lower protein content.

Most important of all bleaching makes it possible to make salable flour out of the dark but nutritious Durum wheat, now a valuable crop and almost the salvation of the arid regions of Nebraska and the Dakotas.

To the use of nitrous anhydride the only recognized agent which will accomplish this purpose, Prof. Ladd

urges unwholesomeness if not toxic properties and the abetting of fraud.

Dr. Wesener and Prof. Teller claim no fraud is involved in bleaching and that the nitrites remaining in the flour and in the bread made from some are insignificant in amount, if not entirely absent, and therefore cannot be in the slightest degree injurious.

## WATER NOT UNWHOLESOME.

It is no easy matter to furnish a new food sensation for every edition of the daily paper as Dr. Cutler of Kansas City will soon discover. Even the late lamented chief food inspector of Chicago, Fish Murray, would fail on some issues and the noted expert in that line in Washington don't pretend to work all the year but only during congressional sessions and sea serpent seasons. Considering the difficulties of the self-imposed task we should not insist on the stories of Dr. Cutler being logical, truthful or even plausible, but only that they be entertaining. Perhaps it is not too much to expect that they be consistent, as there is said to be much merit in a lie well stuck to. This virtue is not always apparent with Dr. Cutler's interviews. For instance, in one interview he speaks of drafting a special ordinance to allow the Kansas City Pure Milk Society to adulterate milk, referring to the common and accepted practice of preparing with water, milk sugar and sometimes barley water and lime water—cow's milk, so that it will be suitable for infant feeding, a product usually called modified milk and sold as such. Although, referring to this milk as adulterated milk, Dr. Cutler admits that nothing can be better for the babies.

In a little later interview he talks of the difficulty of reaching the dealers who sell watered milk, and says that—

"a clause in the government rule will settle the Kansas watered milk situation for us. The law provides that no food or food product intended for interstate commerce shall contain substitutes which lessen the wholesomeness of the article. This is held as referring to water in milk among other adulterations."

Ignoring the proposition whether or not water is a substitute for milk, Dr. Cutler, according to the previous interview, had asked for a special ordinance to allow a society to put it in for the benefit of the babies. Although water if pure is not unwholesome, but quite the contrary it is, of course, an offense to sell same for milk, which can be reached under the federal law and we hope under the Kansas City ordinance without the application of the far-fetched "rule."

While sometimes inconsistent Dr. Cutler's interviews are seldom if ever venomous, differing in this respect from some others, and far from discouraging him, we trust that his name and fame will spread even beyond Kansas City. And if Dr. Cutler would imitate the clam and seek the seclusion of his literary shell, what would the Kansas City papers do for news?

Traveling in the north of Scotland, far away from anywhere, the tourist exclaimed to one of the natives: "Why, what do you do when any of you are ill? You can never get a doctor." "Nae, sir," replied Sandy. "We've just to dee a natural death!"

A chemical laboratory to test foods is soon to be established in the Hibernian Bank Building, New Orleans, La., which will be under the control of the Louisiana State Board of Health.



**NEEDHAM ADMITS COWARDICE.**

In our last issue we incidentally referred to the fact of an attack made on a man prominent and respected in the pure food movement which appeared in the printed copies of the address of Mr. Henry Beach Needham's paper on The People's Lobby, but which the author was too cowardly to read before the convention in the presence of the gentleman.

In the organ of the Bottled in Bond Liquor interests whom we accused the People's Lobby of working in the interest of, comes this statement:

"Mr. Needham hit this attorney (referring to Mr. Hough) very hard at Jamestown, hit him in the open and straight from the shoulder. After the convention, two long, loud howls came, one from the Secretary of the Liquor Dealers' Association, and the other from the 'American Food Journal'."

This sounds like a British account of the battle of Bunker Hill. It is of course not uncommon in this country for a man to run from a fight and then tell in glowing description of the terrific effects of his right and left swings. That no one, however, may be misled by the braggadocio of his seconds we print a bit of correspondence between Mr. H. B. Meyers and Mr. Henry Beach Needham which will show how "straight from the shoulder" and how much "in the open" the attack on Attorney Warwick M. Hough was in reality.

July 24, 1907.

H. B. Needham, Esq., Munsey Building,  
Washington, D. C.

Dear Sir: In the copy of your address prepared for the press I find a sentence which was not in the paper which you read to the convention, or at least, if it was in the paper, you did not read it, and I wish to inquire whether, notwithstanding, you wish to have it published.

The sentence is as follows:

"It would be unwise to advertise him further than to say that he is a masquerading lawyer who sells his brains to a greedy interest already grown rich through adulteration and deception."

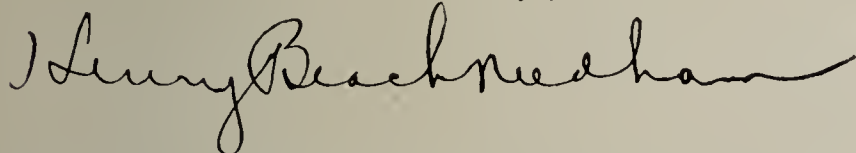
Very truly yours,

H. B. MEYERS.

New York, N. Y., July 31, 1907.

Dear Sir: Your letter of recent date was forwarded to me here. I had no idea that anyone followed my remarks so closely as you seem to have done. I am at a loss to know how you came to note the omission of any part of the address. It is strange, too, that you did not call attention to the omission of other and more important parts. As a matter of fact, I kept skipping sentences and paragraphs, for the reason that the awful heat made it more humane to follow this practice.

Very truly yours,



Mr. Meyer, care Food Law Bulletin, 22 E. Randolph Street,  
Chicago, Ill.

Aug. 19, 1907.

Mr. Henry Beach Needham,  
Secretary "The People's Lobby,"  
Washington, D. C.

Dear Sir: Your letter of July 31st, was misdirected, and was received and opened by mistake by the publisher of another food journal in Chicago, hence my delay in acknowledging its receipt.

The reason why I especially observed the omission referred to, was because it was of a different character from the others, being in the nature of a personal attack, which was not germane to the subject of your paper, and wholly out of the ordinary; and it occurred to me that the members of the Pure Food Convention who were present, and who did not hear you utter the sentence referred to, might regard it as unbecoming, if not unmanly or cowardly, in view of the pres-

ence in the audience of the gentleman to whom you evidently referred, to skip such a statement in reading your address, and then cause it to be printed as if you had spoken it.

Quite a number of the Food Commissioners who heard your address, and whose attention was called to what was printed, commented upon it adversely.

Yours truly,

H. B. Meyers.

**FACTS AND FANCIES.**

The sensational statement is still an open sesame to the news columns of the press. In the *Joliet News* Dr. Winton who recently deserted the State of Connecticut for Illinois is credited with saying that a Philadelphia firm is now trying to ruin the reputation of the Yankee by making nutmegs of ground cocoanut shells mixed with enough genuine spice to give flavor. The mixture, it is claimed, is then pressed into the form of the nutmeg. An article of this description would indeed far outlast the wooden nutmeg as a counterfeit but after all the Quakers have not touched the true secret of the greatness of the Connecticut pedler which lay not in coarsely imitating the real nutmeg, but in passing the worthless substitute. However, the artificial nutmeg would be quite a curiosity if it were put on exhibition.

Dr. Winton is also accredited with having stated that spices are being adulterated with pulverized cocoanut shells and that "chicory, burnt rye and peas are the first aids to the merchant who wants to adulterate the coffee he is going to place on the market." This statement might be attributed to anybody with more probability than to Dr. Winton.

Dr. Winton as the first expert in this country on the chemical composition of spices knows that ground cocoanut shells have not been used largely in adulteration of spices particularly of black pepper for five or six years and then but little, the more common adulterant being ground olive stone, a much more suitable diluent from the imitator's standpoint, and he also knows that largely through his own efforts in Connecticut the adulteration of coffee with chicory is a thing of the past and that for years it has scarcely been possible to buy a package of ground coffee in Chicago pure or adulterated.

**MEETING OF NORTHWEST FOOD COMMISSIONERS.**

A meeting of the Food Commissioners of the Northwest is called to meet Tuesday, September 17th, at St. Paul, Minn. There will be present Commissioner Jones of Illinois, Ladd of North Dakota, Washburn of Missouri, Wheaton of South Dakota, Wright of Iowa, Emery of Wisconsin and Slater of Minnesota.

The object of the meeting is to try to bring the rulings of the several states in harmony as much as possible under the different laws and at the same time to formulate tentative rulings that will be satisfactory to as many states as possible.

The Minnesota State Dairy and Food Commission had a very interesting and instructive exhibit at the Minnesota State Fair. Chemist Hertvet aided the exhibit by a demonstration of Household Tests for Impure Foods. Considering his condemnation of these tests but a little over a year ago in a paper read before the Food Commission Convention at Hartford, Conn., we are a little surprised to find Mr. Hertvet encouraging and abetting the "semi-scientific" procedure.





GEORGE A. McCABE.

Mr. Geo. A. McCabe, a member of the Board of Food and Drug Inspection since its organization, also Solicitor, U. S. Department of Agriculture, received his primary education in private schools. In his early life he worked on railroads as locomotive fireman to procure money for further education. He was principal of schools in Ogden, Utah, for several years. He graduated from George Washington University Law Department in 1902. He was law clerk Department of Agriculture 1903 to 1905. In 1905 he was appointed solicitor of the department. Mr. McCabe has been prominently connected with the packing houses investigation and the enforcement of the new meat inspection act and in the Congressional investigation which grew out of the disclosures made at that time.

#### MUST CONFORM TO NEW LAW.

The Food Commission of Illinois has written a circular letter to the mayors of Illinois cities calling attention to the higher standard for cream made by the new State Food Law, which standard is higher also than that of many cities in Illinois, therefore making the city ordinances null and void. He advocates a change in city ordinances to make them conformable to the state requirement, namely 18 per cent fat in cream.

A great evil can never be overcome by falsehood. Even the truth may not prevail for a time but crushed to earth shall rise again.

Dr. T. I. Bryan rejoices in the arrival of a daughter to grace his home.

#### SOUTH CAROLINA VS. ILLINOIS.

The pure food and drug law of the state of South Carolina went into effect the last week in August. The law is similar to and supplements the national law. The enforcement of the act is placed with the State Board of Health with the addition of one druggist appointed by the governor upon recommendation of the State Pharmaceutical Association. Possibly in South Carolina, where politics is not the chief end of man, this plan may secure efficient administration of the act, but in Illinois it would be of no avail as the governor pays little attention to any legislation taking paying jobs out of politics. An instance in point of an identical nature just occurred. The Illinois Board of Pharmacy is supposed to be appointed from recommendations of the State Pharmaceutical Association. Until the office by accident got into the hands of a Chicago politician the board was so appointed and the state secured the services of exceptionally capable men. One of the best of these and a most popular man with the trade was Mr. William Bodemann, whom the Illinois druggists wished to have retained in the position and made formal recommendation to this effect to Governor C. A. Deneen. Governor Deenen however ignored the action of the State Pharmaceutical Association in order to secure the allegiance of a man who might control a delegate in convention in his primary district.

Let us hope South Carolina will be more fortunate in the selection of administrative and appointive officers.

#### NEW NORTH DAKOTA RULING ON THE BLEACHING OF FLOUR.

Government Agricultural Experiment Station, Agricultural College, North Dakota.

Circular No. 1.

Issued September 10, 1907.

#### BLEACHED FLOUR WARNING.

Having investigated carefully the subject of flour bleaching as now generally practiced and having become convinced that the said process of bleaching results in the production of a product prejudicial to the health and best interests of the consuming public, therefor:

On and after October 1, 1907, the sale of bleached flour containing any residue of nitrogen absorption, addition, or substitution products and intended for consumption within the State of North Dakota, is declared to be in violation of the Food Law of the State.

All other flour bleached by any chemical process or agent, and containing no added residual products, shall on and after the said date be labeled as "Bleached," and in type uniform in size with the name of the brand or producer of the flour.

All flour or other food products shall be truthfully labelled with regard to net weight, the true grade and the name of the real manufacturer or jobber.

Nothing in this order shall be construed as in any way prohibiting or restricting the use of bleaching agents in flour and milling products to be shipped out of the state.

E. F. LADD.

Food Commissioner.



## TWO NEW SUPREME COURT DECISIONS.

### Power to Enjoin Dairy and Food Commissioner and Constitutionality and Application of Law.

The case of the Pratt Food Company vs. Bird, dairy and food commissioner of the state of Michigan, 112 Northwest-ern Reporter, 701, was brought to restrain the defendant, his clerks, and employes from writing, printing, issuing, publishing, or sending out any bulletin, writing, publication, or notice, to the effect that the complainant's preparations, sold as Pratt's Food for Horses and Cattle, Pratt's Poultry Food, and Pratt's Animal Regulator, or either of them, were not licensed under Act No. 12, Public Acts of Michigan of 1906, and warning the public against buying or selling these preparations. The bill of complaint set out that the defendant asserted and claimed that these preparations came within the terms of the act, and that, unless restrained by injunction, he would so assert by bulletins issued to the trade, and by this method intimidate dealers and prevent their purchasing the complainant's products. It was also asserted that the effect of such bulletins would be to destroy and ruin the complainant's trade and work irreparable injury.

The Supreme Court of Michigan affirms a decree dismissing the bill. It says that three questions were presented upon the record: First, whether, in view of the case, the complainant was entitled to the remedy invoked; second, whether Act No. 12, Public Acts 1905, was constitutional; third, whether, if it was constitutional, the complainant's products came within the terms of the statute.

The court, referring to certain cases cited, says that, in so far as they lay down the rule that a court of equity will not interfere to restrain a public officer from invoking the criminal law and instituting a prosecution for a violation of a statute, they have its full approval. A court of equity will not transfer to its own jurisdiction the trial of a criminal case; and this though the prosecution may fall with some hardship upon the accused party. Nor, as a general proposition, will a court interfere to restrain the publication of a libel. But the court held in *Beck vs. Railway Teamsters' Protective Union*, 118 Mich., 497, that injunction will lie to restrain a combination of persons from acts which tend to ruin a complainant's business by bringing to bear upon his customers intimidating and coercive means. The principle which should rule the present case is identical. If the acts which were threatened were unlawful, it could not be doubted that placing in the hands of every dealer in the state a bulletin which in effect threatened them with prosecution in case they made use of these products in the form in which they were lawfully sold to them, would be to absolutely exclude the complainant's business from the state.

Is the law constitutional? It was claimed that the law is unconstitutional, in that it violates section 20 of article 4 of the state constitution, which provides that no law shall embrace more than one object, which shall be expressed in its title. The question was therefore whether, under the original title, a provision fixing a standard of pure food, and providing means to prevent deception in the sale of such food, is within the title of an act to provide for the appointment of a dairy and food commissioner and to define his powers and duties and fix his compensation. The court thinks the title sufficient and that it is obvious to one reading this title that there must have been imposed upon the commissioner certain powers and duties to make his department of any value to the state, and, furthermore, that these powers and duties must have relation to something. It is equally obvious that the relation of these powers and duties must be to the subject which is brought within the department that is created, viz., the dairy and food department.

The question of more difficulty was the question of fact, as to whether the preparations of the complainant were concentrated commercial feeding-stuffs as defined by the act cited above. It was true the testimony showed that upon each of the labels which accompanied Pratt's Food for Horses and Cattle was the statement: "Pratt's food is a regulator, to be used according to directions, and is not sold as a feeding stuff, nor is it to be fed in place of grain or any other feed." But, in addition to claiming medicinal properties for the food, it was also stated how it should be used to fatten and improve stock. It was stated that: "It fattens both cattle and hogs quickly, makes them grow larger and healthier, and makes their meat tender, more juicy, and better eating." It also stated that for horses it "produces bone, muscle, and better staying powers; improves the wind."

When this statement was enacted, commercial feeding stuffs were on the market, and this fact must have been known to the legislature. It employs the broad language, "all condimental stock foods, patented and proprietary stock foods, claimed to possess nutritive properties and all other materials intended to cover all preparations for which the claim of nutritive qualities was made." The complainant's preparations came within this language. Similar representations were made in the labels of other preparations. The court is of the opinion that the circuit judge was right in holding that all these preparations were within the statute.

### Condemnation of Imported Fruit by Health Officer and Question of Duty.

Certain pineapples in crates having been brought into the United States, a considerable portion of the same were destroyed by a representative of the health department of the city of New York as not being "fruit \* \* \* sound, wholesome and safe for human food," under the Sanitary Code of New York City, section 42. The method of condemning the fruit was to examine each crate, and, if a considerable portion of the contents thereof appeared to be decayed, the whole crate was condemned, and the ship upon which it was found required to convey the same again to sea, and dump it overboard. This condemnation took place while the goods were being unloaded, and after a "tropical permit" for the unloading thereof and delivery to the importers had been granted by the custom house.

The point was raised whether any rebate or reduction in duties should be allowed to the importers, inasmuch as the pineapples were freed from custom supervision by the granting of the tropical permit above referred to. The evidence left it undoubted that no portion of the condemned goods ever passed into the actual control of the importers or became a subject of commerce within the United States.

The United States Circuit Court, in New York, holds, *United States vs. Courtin & Golden*, 153 Federal Reporter, 594, the action of the city health department clearly was a lawful exercise of police power. It thinks that it made no difference whether the rot was discovered under the supervision of a government inspector or under the lawful supervision of an inspector of the health department, as long as it was discovered before the rotten article had passed into the actual control of the importer. Before these pineapples could be lawfully used by the importer they had to pass not only the federal customs officers, but also the lawful police authorities of the city of New York, each standing at the portal of the country and each authorized to forbid admission.

What was dutiable in this case was packages of pineapples; and if the government received the full duty leviable upon the entire number of packages of pineapples which actually came into the country as such, the law was complied with.

### MISSOURI REGULATION ON STAMPING GOODS ON HAND.

#### RULING I.

#### *Stamping Goods on Hand.*

This office is receiving many letters asking for more specific information regarding the stamping of goods now on hand.

It is held by this department that all goods now on hand may be sold at any time in their present condition and with the brands now on them, provided they be clearly stamped or branded with the words, "On hand July 1, 1907." Goods that are pure and truthfully labeled will always pass and therefore do not need to be stamped. The stamping of the case will suffice only where the article is sold in case quantities. A retailer receiving goods, the cases of which are stamped, should stamp the individual packages.

The point is this: The actual consumer must be given an opportunity to know that the goods he is consuming were put up before the present food and drug laws became effective.

R. M. WASHBURN,

Missouri Dairy and Food Commissioner.

Columbia, Mo., July 1, 1907.



# United States Department of Agriculture,

OFFICE OF THE SECRETARY,  
BOARD OF FOOD AND DRUG INSPECTION.

## FOOD INSPECTION DECISION 75 AND 76.

### THE LABELING OF MIXTURES OF CANE AND MAPLE SIRUPS.

The director of the agricultural experiment station at Orono, Maine, in a recent letter made the following statement:

There are in Maine many sirups which are labeled something like this: "A Fancy Quality Sirup Made from Pure Maple and White Sugar." Many of these sirups carry but little maple, one company saying that in a sirup analogous to this they put 90 per cent of cane sugar and 10 per cent of maple.

When both maple and cane sugars are used in the production of sirup the label should be varied according to the relative proportion of the ingredients. The name of the sugar present in excess of 50 per cent of the total sugar content should be given the greater prominence on the label; that is, it should be given first. For example, a sirup the sugars of which consist of 51 per cent cane sugar and 49 per cent maple sugar would be properly branded as "Sirup Made from Cane and Maple Sugar," or as "Cane and Maple Sirup." The terms "maple sugar" and "maple sirup" may only be used on the label as part of the name when those substances are present in substantial quantities as ingredients. They should not appear on the label as part of the name when only a small quantity of those substances is used to give a maple flavor to the product. A cane sirup containing only enough maple sirup or maple sugar to give a maple flavor is properly labeled as "Cane Syrup, Maple Flavor" or "Cane Sirup Flavored with Maple."

Whenever it is necessary to declare cane sugar (sucrose) on a label it should be declared as cane sugar and not as white sugar.

FREDERICK L. DUNLAP,  
GEO. P. McCABE,  
Board of Food and Drug Inspection.

Approved:

W. M. HAYS,

Acting Secretary of Agriculture.

Washington, D. C., July 5, 1907.

### DYES, CHEMICALS AND PRESERVATIVES IN FOODS.

It is provided in regulation 15 of the rules and regulations for the enforcement of the food and drugs act that the Secretary of Agriculture shall determine by chemical or other examination those substances which are permitted or inhibited in food products, that he shall determine from time to time the principles which shall guide the use of colors, preservatives, and other substances added to foods, and that when these findings and determinations of the Secretary of Agriculture are approved by the Secretary of the Treasury and the Secretary of Commerce and Labor the principles so established shall become a part of the rules and regulations for the enforcement of the food and drugs act.

The law provides that no food or food product intended for interstate commerce, nor any food or food product manufactured or sold in the District of Columbia or in any territory of the United States, or for foreign commerce, except as hereinafter provided, shall contain substances which lessen the wholesomeness or which add any deleterious properties thereto. It has been determined that no drug, chemical, or harmful or deleterious dye or preservative may be used. Common salt, sugar, wood smoke, potable distilled liquors, vinegar, and condiments may be used. Pending further investigation the use of saltpeter is allowed.

Pending the investigation of the conditions attending processes of manufacture, and the effects upon health, of the combinations mentioned in this paragraph, the Department of Agriculture will institute no prosecution in the case of the application of fumes of burning sulphur (sulphur dioxide) as usually employed in the manufacture of those foods and food products which contain acetaldehyde, sugars, etc., with

which sulphurous acid may combine, if the total amount of sulphur dioxide in the finished product does not exceed 350 milligrams per liter in wines, or 350 milligrams per kilogram in other food products, of which not over 70 milligrams is in a free state.

No prosecutions will be based on the manufacture, sale, or transportation of foods and food products manufactured or packed during the season of 1907 which contain sodium benzoate in quantities not exceeding one-tenth of 1 per cent, or benzoic acid equivalent thereto, provided sodium benzoate or benzoic acid has hitherto been generally used in such foods and food products.

The label of each package of sulphured foods, or of foods containing sodium benzoate or benzoic acid, shall bear a statement that the food is preserved with sulphur dioxide, or with sodium benzoate, or benzoic acid, as the case may be, and the label must not bear a serial number assigned to any guaranty filed with the Department of Agriculture nor any statement that the article is guaranteed to conform to the food and drugs act.

The use of any dye, harmless or otherwise, to color or stain a food in a manner whereby damage or inferiority is concealed is specially prohibited by law. The use in food for any purpose of any mineral dye or any coal tar dye, except those coal tar dyes hereinafter listed, will be grounds for prosecution. Pending further investigations now under way and the announcement thereof, the coal tar dyes hereinafter named, made specifically for use in foods, and which bear a guaranty from the manufacturer that they are free from subsidiary products and represent the actual substance the name of which they bear, may be used in foods. In every case a certificate that the dye in question has been tested by competent experts and found to be free from harmful constituents must be filed with the Secretary of Agriculture and approved by him.

The following coal tar dyes which may be used in this manner are given numbers, the numbers preceding the names referring to the number of the dye in question as listed in A. G. Green's edition of the Schultz-Julius Systematic Survey of the Organic Coloring Matters, published in 1904.

The list is as follows:

*Red shades:*

- 107. Amaranth.
- 56. Ponceau 3 R
- 517. Erythrosin.

*Orange shade:*

- 85. Orange I.

*Yellow shade:*

- 4. Naphthol yellow S.

*Green shade:*

- 435. Light green S F yellowish.

*Blue shade:*

- 692. Indigo disulfoacide.

Each of these colors shall be free from any coloring matter other than the one specified and shall not contain any contamination due to imperfect or incomplete manufacture.

The question of the entry into the United States of vegetables greened with copper salts has not been fully determined. Pending the determination and decision of this matter by the Secretary of Agriculture, all vegetables greened with copper salts which do not contain an excessive amount of copper will be admitted to entry if the label bears a statement that sulphate of copper or other copper salts have been used.

This food inspection decision is to be construed in connection with regulations 14 and 31 of the Rules and Regulations for the Enforcement of the Food and Drugs Act. Regulation 14 provides that poisonous and deleterious preservatives shall only be applied externally, and the preservatives in food products shall be of a character which shall not permit the permeation of any preservative to the interior, or any portion of the interior, of the product. It further provides that the preservative must be of such a character that, until re-



moved, the food products are inedible, and that when these products are ready for consumption if any portion of the added preservatives shall have penetrated the food product, the said food product shall then be subject to the regulations for food products in general.

Regulation 31 provides that food products intended for export may contain added substances not permitted in foods intended for interstate commerce, when the addition of such substance does not conflict with the laws of the country to which the food products are to be exported, and when such substances are added in accordance with the direction of the foreign purchaser or his agent.

No prosecution will be based on the sale of foods and food products manufactured or packed in the United States prior to the issuing of this decision, where the composition of such foods and food products is at variance with the requirements of this decision, if the nature of the variation be plainly stated on the label. In every case, however, the burden of proof will be on the manufacturer to show that the goods were manufactured or packed prior to the date of this decision.

H. W. WILEY,  
FREDERICK L. DUNLAP,  
GEO. P. McCABE,  
*Board of Food and Drug Inspection.*

Approved:  
JAMES WILSON,  
*Secretary of Agriculture.*  
GEO. B. CORTELYOU,  
*Secretary of the Treasury.*  
OSCAR STRAUSS,  
*Secretary of Commerce and Labor.*

WASHINGTON. D. C., June 18, 1907.

MEMORANDUM TO ACCOMPANY FOOD INSPECTION DECISION ON DYES, CHEMICALS, AND PRESERVATIVES.

I. PROHIBITION OF PRESERVATIVES.

Section 7 of the food and drugs act, June 30, 1906, provides that, for the purposes of the act, an article shall be deemed to be adulterated in the case of food if it contain any added poisonous or other deleterious ingredient which may render such article injurious to health. The decision states that it has been determined that no drug, chemical, or harmful or deleterious dye or preservative may be used in the preparation of food and food products. The board was influenced in framing this portion of the decision by the following considerations:

Among those substances added in greater or less amounts to food and food products for the purpose of coloring or of inhibiting bacterial action are those chemical substances which may be classed generically as dyes and preservatives. It is clearly the intent of the food and drugs act to inhibit the use of these substances as well as any others which are poisonous and deleterious to health. Whether or not dyes and preservatives are harmful is a matter which can only be determined by experimental evidence, and both classes have been subjected to investigation with the main idea of determining this point. Not only have investigations been conducted by many leading experts in this and other countries, but extended investigations have been instituted by the Department of Agriculture.

The classes of substances which have been investigated by the Department of Agriculture include essentially all of the well known preservatives, including such types as boracic acid and borax, salicylic acid and its salts, benzoic acid and its salts, sulphurous acid and its salts, and formaldehyde.

The evidence which has accumulated as the result of all these researches conducted in the Department of Agriculture, as well as the result obtained as the outcome of other researches, both in the United States and abroad, points so strongly to the poisonous properties of preservatives that their use as a class should, under the act, be inhibited in foods and food products.

In order to obtain the views of eminent physiologists and hygienists, health officers, and physicians in the United States as to the propriety of using preservatives in foods, a list of questions was sent out from the Department of Agriculture, to which a large number of replies was received: These questions and the replies have been tabulated as follows:

1. Are preservatives, other than the usual condimental pre-

servatives—namely: sugar, salt, alcohol, vinegar, spices, and wood smoke—injurious to health?

Affirmative .....218  
Negative..... 33

Total .....251

2. Does the introduction of any of the preservatives which you deem injurious to health render the foods injurious to health?

Affirmative .....222  
Negative ..... 29

Total .....251

3. If a substance added to food is injurious to health, does it become so when a certain quantity is present only, or is it so in any quantity whatever?

Affirmative .....169  
Negative ..... 79

Total .....248

4. If a substance is injurious to health, is there any special limit to the quantity which may be used which may be fixed by regulation or by law?

Affirmative ..... 68  
Negative .....183

Total .....251

5. If foods can be perfectly preserved without the addition of chemical preservatives, is their addition ever advisable?

Affirmative ..... 12  
Negative .....247

Total .....259

It can readily be seen from this tabulation that the opinions expressed point overwhelmingly to the fact that preservatives as a class are injurious to health, and hence their use is, under the act, inhibited.

II. USE OF SULPHUR FUMES PERMITTED IN CERTAIN CASES.

The decision further provides that, pending investigation of process of manufacture and of effect upon health, the Department of Agriculture will institute no action where the fumes of burning sulphur are used in the manufacture of foods and foodstuffs containing acetaldehyde, sugars, etc., with which the sulphur dioxide may combine, but the decision limits the total amount of sulphur dioxide in a liter of wine or a kilogram of other food products to 350 milligrams, and further provides that only 70 milligrams of this may be in a free state; the residual sulphur dioxide must be in combination with the acetaldehyde, sugars, etc.

While it is true that sulphurous acid and its salts belong to the class of preservatives which are prejudicial to health, and in consequence their use is inhibited, yet with respect to sulphur dioxide, under certain conditions of use (as in the sulphuring of wine casks in the preparation of wine, in the preparation of evaporated or dried fruits, in the manufacture of certain sugars, etc.), it is rendered more or less inert. There is evidence to show that when sulphur dioxide is used as above indicated it combines, for example, with the acetaldehyde of the wine, thus forming a compound (so called aldehyde-sulphurous acid) which is relatively harmless. In dried fruits in the preparation of which sulphur dioxide has been used there is reason for believing that it may all be present in this so called "combined" condition, probably to a large extent, if not wholly, in combination with the sugars present. There is also reason for believing that sulphur dioxide may combine with protein and cellulose, but probably all of these "combined" forms are not equally inert from a physiological point of view.

The evidence is not sufficiently conclusive to condemn at present the use of sulphur dioxide under those conditions in which it may be present in this combined form, but it is necessary to limit its presence in such cases so as to avoid the presence of excessive quantities of free sulphurous acid, the toxic effect of which is marked.

The limit in food products has been set at 350 milligrams of total (that is, both free and combined) sulphur dioxide per liter, or kilogram, with an allowance of not over 20 per cent of this amount in a free state. This standard has been reached by a study of a large number of analyses of typical samples of food products which were obtained either in the open market or at ports of entry. That the use of sulphur dioxide in the preparation of wines, evaporated fruits, molasses, etc., has in some cases been greatly abused is appar-



ent from a study of these analyses. To illustrate this point the following analyses of evaporated and dried fruits, purchased in the open market, are given:

	Milligrams of sulphur dioxide per kilo.
Dried peaches.....	3,072
California apricots.....	2,842
Evaporated apricots.....	1,792
Dried apples.....	1,419
Evaporated apples.....	1,738

Especially is this abuse apparent when a comparison is made with other samples, likewise obtained in the open market:

	Milligrams of sulphur dioxide per kilo.
Evaporated raisins.....	225
Evaporated apricots.....	190
Evaporated apples.....	4.5
Evaporated apples.....	3.3
California prunes.....	3.3
Dried apples.....	6.6
Dried apples.....	9
Fancy cleaned currants.....	4.5

Other figures might be quoted to show that very wide variations exist in the total amount of sulphur dioxide found in this class of foods, but these few are sufficient to illustrate the point that there is no "commercial necessity" for the existence of sulphur dioxide in the very large amounts shown in the first set of analyses, and in order to protect the public and minimize any possible danger that might arise from undue sulphuring it is necessary to restrict the use of sulphur dioxide within the limits suggested in the accompanying food inspection decision.

The limit of 350 milligrams of sulphur dioxide is also exceeded in a few samples of molasses on the market to-day. Molasses has been found containing as much as 1,395 milligrams of sulphur dioxide per kilogram. Such cases of undue sulphuring are comparatively rare, and the results of many analyses show that in this class of foodstuffs the sulphur dioxide may by care be reduced to amounts wholly within the limits set.

The following analyses show the amount of sulphur dioxide usually found in molasses and the ordinary variations to which it is subject:

	Milligrams of sulphur dioxide per kilo.
New Orleans molasses.....	None
New Orleans molasses.....	310
New Orleans molasses.....	155
B. and O. brand, New Orleans molasses and corn sirup..	25
Porto Rico molasses.....	8
New Orleans molasses.....	211
Magnolia brand.....	100
Rockwood molasses (New Orleans).....	350

In the manufacture of wines it is usually considered that the need for sulphur dioxide is greatest in the non-fortified sweet wines, and in general it may be said that the larger the amount of sugar present the greater is the amount of sulphur dioxide used, but such a rule is by no means universal, illustrating the fact that in sound wines the use of sulphur dioxide is often carelessly controlled and no special pains taken to limit the amount to the quantity necessary to achieve the purpose for which it is used, and thus avoid unnecessary amounts.

An examination of the wines as they are found to-day on the market shows that it is desirable to restrict the amount of total sulphur dioxide to 350 milligrams per liter. Wines have been offered for import, for example, containing much more than this amount of total sulphur dioxide, but there is every reason to believe that this excessive amount is due to lack of careful control. As the sulphured wine ages the sulphur dioxide, as such, gradually disappears, either by combination with the constituents of the wine or by oxidation.

A limit must likewise be placed on the free sulphur dioxide. An examination of a large number of sauternes has shown that the amount of free sulphur dioxide which they contain is needlessly high; in some cases this amount has exceeded 200 milligrams per liter, and about 20 per cent of all of the wines examined exceeded the limit set by this decision. If the amount of free sulphur dioxide in wines is placed at 70 milligrams per liter it is certain that the wines prepared for consumption can be produced in a sound condition.

not only well within the maximum set for the free sulphur dioxide but for the total as well. It is absolutely necessary to restrict in some manner the sulphur dioxide in cases in which it is used under conditions such that it may enter into combination with acetaldehyde, sugars, etc., present in food products, but it is believed that under the restrictions suggested the public will be protected from products unduly sulphured during the period which must elapse before experimental evidence can be obtained as to whether a total restriction in the use of sulphur dioxide under all the conditions mentioned is necessary on account of the toxic properties possessed by sulphur dioxide in the combined form.

### III. NO PROSECUTION FOR USE OF BENZOATE OF SODA IN LIMITED QUANTITIES, SEASON 1907.

The decision submitted provides that no prosecutions will be based on the manufacture, sale, or transportation of foods and food products manufactured or packed during the season of 1907 which contain sodium benzoate in quantities not to exceed one-tenth of 1 per cent, or benzoic acid equivalent thereto, provided that sodium benzoate or benzoic acid has hitherto been generally used in such foods and food products. In the opinion of the board this ruling is a proper one, for the following reasons:

There is a difference of opinion among experts as to the harmfulness of sodium benzoate or benzoic acid. Some manufacturers of food and food products have used this preservative in the honest belief that it is harmless. In the opinion of the board it is harmful, and its use should be prohibited. However, the pack of 1907 is now under way, some of it is completed, and sodium benzoate has been used extensively. By another year the manufacturers of these food products will have had ample time to adjust manufacturing conditions in such a manner that the use of sodium benzoate will be unnecessary. The prohibition of the use of sodium benzoate at this time would, it is thought, work a hardship upon the manufacturers of food products out of all proportion to the benefit which would be derived by the consumers. The use of sodium benzoate for the time being in limited quantities, which are to be plainly stated upon the label, seems to be the fair solution both for the consumer and for the manufacturer.

### IV. PRESENCE OF PRESERVATIVES TO BE SHOWN ON LABEL AND NO GUARANTY TO BE SHOWN.

The decision provides that the label of each package of preserved foods or of foods containing benzoate of soda or benzoic acid, shall bear a statement that the food is preserved with sulphur dioxide or with sodium benzoate, or benzoic acid, as the case may be, and the label must not bear a serial number assigned to any guaranty filed with the Department of Agriculture or any statement that the article is guaranteed to conform to the food and drugs act.

The necessity for these requirements is obvious. Where preservatives are used the labels should inform the consumers of that fact, and it is the opinion of the board that the preserved food does not comply with the law and that it is unfair to the consumer to allow a statement to be made upon the label that the preserved food is guaranteed under the food and drugs act, for the consumer may interpret this statement as a guaranty that the food is pure.

### V. LIST OF DYES PERMITTED PENDING FURTHER INVESTIGATION.

The following list of dyes has been recommended in the decision for use in foods and foodstuffs, pending further investigation and announcement of its results:

#### Red shades:

- 107. Amaranth.
- 56. Ponceau 3 R
- 517. Erythrosin.

#### Orange shades:

- 85. Orange 1.

#### Yellow shades:

- 4. Naphthol yellow S.

#### Green shades:

- 435. Light green S F yellowish.

#### Blue shades:

- 692. Indigo disulfo acid.

The decision further states that these coal tar dyes must be made specifically for use in foods and bear a guarantee from the manufacturer that they are free from subsidiary products and represent the actual compound whose name they bear.

The following statement is necessary in order to illustrate the principles guiding the Department of Agriculture in framing this portion of the decision:

An extended study of the large number of so called coal tar dyes which are now in use for the coloring of foods and



foodstuffs has been necessary to arrive at a conclusion concerning the restriction, if any, which may be placed on their use, and the department acknowledges the very efficient aid rendered during the course of this study by Dr. Bernhard C. Hesse of New York City. Dr. Hesse has had an extended experience in this subject through his long association with the leading dyestuff manufacturers in Germany. Since severing his connection with them he has given his time largely to expert work along this line.

The literature on the subject is very unsatisfactory as to what coal tar products are used, and is not to be depended upon, because of the equivocal nature of the terminology employed. It is impossible to reduce this terminology to an unequivocal and definite basis for the great majority of such coal tar colors.

It was impracticable to go to all those in the United States who use coal tar dyes in food products and obtain specimens of the coal tar colors so used. This is true not only because of the large number of such users and their wide geographical distribution, but also because of the reluctance which would undoubtedly be encountered among many such users to disclose the nature of the products employed by them.

The sources of coal tar materials are limited in number, however. By reference to the book entitled "A Systematic Survey of the Organic Coloring Matters," by Arthur G. Green, published in 1904, on pages 9 and 10 thereof, it will be seen that there are thirty-seven different concerns in the world engaged in the manufacture of coal tar materials.

Therefore, a canvass of these sources for such coal tar coloring matter as, in their judgment, or in their business practice, they regard as proper for use in food products, seemed the best mode of obtaining a knowledge of the field of the coal tar colors here in question.

Communication was had, therefore, with thirteen manufacturers of coal tar colors in an endeavor to obtain from them a list of such coal tar colors as, in their judgment or business practice, were deemed suitable for use in food products. When this cooperation was established, request was also made for information as to the composition of the coal tar samples submitted, and in order to avoid confusion samples were to be identified by reference to the "Systematic Survey of the Organic Coloring Matters," by Green, in which each coal tar color has its own number. This information is necessary to reduce the terminology to a common and unequivocal basis. The thirteen manufacturers, or their accredited agents, with whom communication was held probably represent from 85 to 90 per cent of the total dyestuff output of the world.

In order to make provision for the twenty-four makers on the list in the Green tables, and not included in the thirteen makers consulted, a request for samples was made from two New York city houses, who themselves import coal tar colors from sources other than the above, for use in food products. Their products must fairly represent any output not represented by the thirteen makers above mentioned.

The question of the choice of dyes for the coloring of foodstuffs has been decided on the basis of those dyes which have been submitted by the manufacturers or their accredited agents, but it was impossible to consider any dyes when the manufacturer or the accredited selling agent was unwilling to state unequivocally what the dyes submitted were, so that they could be identified chemically.

When those interested in placing dyestuffs on the market for the coloring of food have shown unwillingness to give information of this kind as to what they sell, and by thus selling, recommend, the burden of proof as to the harmlessness of such dyes lies with them, and until such proofs are adduced, the use of such dyes should be inhibited.

With this knowledge of the specific nature of the dyes recommended, the department has made a study of those concerning which there has been the greatest unanimity of opinion among the manufacturers or their agents as to their fitness; and in the cases where such dyes have been studied as to their physiological action, and the reports have been favorable, they have been included in the tentative list proposed in the food inspection decision herewith.

This tentative list of dyes includes a wide range of colors sufficient for all legitimate purposes. Among them are none which are patented, so that their manufacture is open to all interested in the dye industry.

One point must be particularly emphasized regarding the use of these dyes—namely: the need for the manufacturer's guarantee of purity. It is the manufacturer above all who knows the exact nature of his dyestuffs, and if he is willing

to sell his colors for use in foodstuffs he should be willing to guarantee that the dyes really are what they are represented to be, that they are not mixtures, and that they do not contain harmful impurities.

In order further to minimize the possibility of harmful impurities existing in these dyes, it has been thought necessary to require a further examination by competent experts, a certificate from whom is necessary, stating that the dyes in question are what they are represented to be.

#### VI. ENTRY OF VEGETABLES GREENED WITH COPPER SALTS.

The decision states:

The question of the entry into the United States of vegetables greened with copper salts has not been finally determined. Pending the determination and decision of this matter by the Secretary of Agriculture all vegetables greened with copper salts which do not contain an excessive amount of copper will be admitted to entry if the label bears a statement that sulphate of copper or other copper salts have been used.

The greening of vegetables with copper sulphate is practiced to a large extent in some foreign countries, and vegetables so treated are imported into the United States. Before the passage of the food and drugs act the Department of Agriculture, under authority of the yearly appropriation acts, controlled the import of foods. It has been the practice to admit vegetables which did not contain an excessive quantity of copper salts if the artificial color were plainly declared on the label. It is the opinion of the board that copper sulphate is injurious and should be prohibited eventually, but it would work a great injury to American importers to put this ruling into effect at once. It is believed that the use of copper sulphate or of other salts of copper in restricted quantities for greening vegetables should be permitted for the pack of the present year, but for no longer.

#### VII. NO PROSECUTION FOR GOODS PACKED PRIOR TO THE DATE OF THE DECISION.

The decision provides that no prosecution will be based upon the sale of foods and food products manufactured or packed in the United States prior to the issuing of this decision, where the composition of such foods and food products is at variance with the requirements of this decision, if the nature of the variation be plainly stated on the label, and that in every case the burden of proof will be on the manufacturer to show that the goods were manufactured or packed prior to the date of the decision. Obviously it would be unfair to base a prosecution upon the use, prior to the date of the decision, of preservatives prohibited by the decision. Furthermore, unless assurances be given that no prosecutions will be had for the sale of this class of goods a very large quantity of food will be rendered unsalable, and the injury which will be inflicted upon the country will be out of all proportion to the benefit which is expected to be derived.

FREDERICK L. DUNLAP,

GEO. P. McCABE,

*Board of Food and Drug Inspection.*

#### Certificates for Imported Meats and Meat-Food Products of Cattle, Sheep, Swine, and Goats.

The following inquiry has been received regarding certificates for imported meats required by Regulation 32:

"We respectfully beg to submit a letter from Messrs. \_\_\_\_\_ of \_\_\_\_\_, from whom we have been importing small quantities of canned meats, consisting principally of meat balls, preserved game in cans, etc.

"There being no inspector who could certify invoices for canned meats, we of course can not import these goods any more. We would respectfully ask if a certificate as to purity, by the manufacturer, would not answer the purpose in this special case, there being no one in \_\_\_\_\_ to officially certify."

The meat-inspection law of June 30, 1906, forbids the transportation in interstate or foreign commerce of the meat or meat-food products of cattle, sheep, swine, and goats which are diseased, unsound, un-



healthful, unwholesome, or otherwise unfit for human food. Meat or meat-food products of those animals to which has been added any substance which lessens wholesomeness, or any drug, chemical, or harmful dye or preservative, other than common salt, sugar, wood smoke, vinegar, pure spices, and saltpeter, may not be transported in interstate or foreign commerce. The law further requires the ante-mortem and post-mortem inspection of the animals which furnish meat and meat-food products for interstate or foreign commerce. All these requirements are based on the principle that uninspected meats of this character may be dangerous to health.

The food and drugs act of June 30, 1906, provides that a product which does not comply with the provisions of the act "or is otherwise dangerous to health" shall be denied the right of importation. It is held, therefore, that, except as hereinafter provided, imports of meat or meat-food products of cattle, sheep, swine, and goats shall be subject to the same restrictions as meats of domestic origin. Such meats and meat-food products shall be accompanied by certificates showing their freedom from disease, or entry into the United States will be denied. For entry of meat or meat-food products of animals other than cattle, sheep, swine, and goats, including fish, only the declaration required for foods other than meats is necessary.

The certificate shall be that of an official inspector of the country, district, or city in which the meat is manufactured. It shall be specified in the certificate that the animals from which the meat or meat-food products which are covered by the certificate are derived were inspected before and after slaughter and were found to be in a healthy condition (see Regulation 32); that the animals furnishing the meat or meat-food products are cattle, sheep, swine, or goats, as the case may be; and that the meat or meat-food products covered by the certificate have been mixed with the meat of no other animal.

The official inspector who signs the certificate shall have his authority viséed before the United States consul. One authorization of this kind will be sufficient for all shipments signed by the same inspector, and it will not be necessary to furnish a new authorization unless a new inspector signs the certificate.

The following are acceptable forms of certificates:

1. I hereby certify that the shipment of [kind of meat] consigned by \_\_\_\_\_ to \_\_\_\_\_ and designated by [distinguishing marks] is the product of [kind of animals] which by ante-mortem and post-mortem veterinary inspection were shown to be free from disease and suitable for food, and that the meat has not been treated with chemical preservatives or other foreign substance injurious to health.

2. I hereby certify that the meat-product factory of the firm of \_\_\_\_\_ is located in the meat-inspection district of the province of \_\_\_\_\_; that the animals killed in that establishment are subjected to competent official veterinary ante-mortem and post-mortem inspections; that all of the meat sold by that firm is the product of animals free from disease; and that all meat and meat-food products of that firm are free from chemical preservatives or other foreign substances injurious to health.

The certificate mentioned above will not take the place of port inspection as to the condition of the shipment on arrival, whether it is fit for human food,

whether it is infected with vermin, or whether it contains any of the substances forbidden by the regulations for the enforcement of the meat-inspection law. This port inspection will be made by the inspectors of the Bureau of Chemistry, and if the meat or meat-food product be found not to conform to the law, the shipment will be rejected even if the certificate be in due form.

Stearin, for mixture with domestic oils, not animal, may be admitted without certificate, if the importer executes a penal bond conditioned upon the subsequent export of all stearin thus imported.

Meat and meat-food products of horses and dogs will not be allowed entry into the United States.

FREDERICK L. DUNLAP,  
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,  
Secretary of Agriculture.

Washington, D. C., July 1, 1907.

### THE FACTS IN THE INDIANA CASE.

The Food Law of Indiana of 1907 gives the State Board of Health of Indiana authority to establish minimum standards for food products; and acting under that authority the State Board of Health established the following standard for ice cream:

"Ice cream is a frozen product containing not less than 8 per cent of butter fat and 18 per cent of milk solids, with the addition of sugar (sucrose) and with or without natural flavoring and not to exceed seven-tenths of one per cent of gelatine."

It is a violation of the State Food Law, punishable by fine and imprisonment, to sell ice cream in the state of Indiana that does not conform to this standard.

Some months ago the Marion Ice and Cold Storage Company, of Marion, Indiana, sold a five-gallon can of ice cream to one of the druggists in Marion. This druggist put the can in his refrigerator and kept it there for three days, during which time he kept taking ice cream out of it. The ice cream melted more or less each day, and had to be refrozen twice a day. At the end of the third day about a gallon of ice cream remained in the can, and a State Food Inspector came along and took a sample out of this gallon. Upon analysis it was found to contain only 5.6 per cent of butter fat, and a prosecution was started against the Marion Ice and Cold Storage Company for having sold the ice cream to the druggist, it being found to be below 8 per cent butter fat.

Under the foregoing facts Judge Williams, of the city court of Marion, held that the analysis was not a fair test of what the ice cream contained when it was delivered to the druggist, and found for the defendant on the facts.

The judge, however, further sustained the contention of the attorneys for the defendant that the State Board of Health of Indiana has no authority to establish standards, for the reason that the food law is a criminal law and the legislature could not delegate power to the State Board of Health to establish standards and punish citizens for violating those standards under such a law. Also that the part of the law giving this power to the State Board of Health can not be enforced for the further reason that while it gives the Board of Health authority to establish standards for food it does not require the board to publish those standards, and under such a law they would have it within their power to make standards and not publish them and arrest citizens for violating them when those citizens did not know what they were, and might have no means of knowing.

The judge did not take it upon himself to decide the case on the legal points, because he did not consider the defendant guilty under the facts; but in connection with his decision he gave his opinion on the legality of the standard provision of the law as indicated.



**PURE FOOD LAWS, HOW DO THEY APPLY TO BAKERS?**

BY F. B. LAGE.

We would have to go back a considerable length of time, in fact almost to the very beginning, to find where the first question as to the purity of the food product came up. How long ago that was we can only surmise, but we do know since that first occasion the subject has become of general interest to almost everybody. This is only natural when you stop to consider what are undoubtedly some of the causes for it.

This is an age of progress. We have perfected improved methods of manufacture not thought of until now, and brought out new products and improved on the old ones so it seems we must soon reach the limit of advancement. Notwithstanding the fact that the public is enjoying a much greater variety of foods and put up in a more tasteful manner, at cost that is undoubtedly reasonable, they are still unsatisfied and demand, they do not know what, and because some theoretical genius says it is a lack of pure food that is causing all our trouble it surely must be so. The public is naturally suspicious and ready to take up any new idea that is presented to it, and what interests a man more than what he eats?

I do not mean to say I am not in favor of pure food laws, as we undoubtedly have many articles of diet that require regulating, but you will agree with me that the manufacturer who is thoroughly familiar with all phases of his business should have been consulted as to what is practical, as well as pure, as it is he had no opportunity to do so.

Theory is fine, but is of little value if not backed up by experience, and just as much so, as a theorist could not bake a loaf of good bread, so do they fail in trying to frame laws to govern our business. Of all the manufacturers of good products the baker is about the least affected, by the new pure food laws there being not much urgent need for regulation for the master baker and when you consider that every article coming from the bake shop is a mixture or compound, this is commendable.

As the laws now stand, they are of considerable length, and cover every possible phase of manufacture, sale, or transportation of foods, drugs, medicines and liquors, but there are some sections that have no bearing on the baking business and these I will not bring out and only speak of what I believe will be of direct interest to this organization.

There are comparatively few things that will have to be discontinued in the bake shop and among them is the use of what is usually termed egg color. This is considered a deception of the public and is prohibited, but I cannot see in what way it is harmful. The use of egg color is solely to beautify a cake, and to give it a more appetizing appearance. It is acknowledged that the digestion is greatly influenced by the appetite and this cannot be better effected than by the appearance of the food itself.

All other colors, I believe can be safely used providing they are harmless, and are not substituted for some other food product. This applies to chocolate paste color and chocolate icing cream, undoubtedly these are substitutes, and could not be used if sold for chocolate. The pure food law does not compel a manufacturer to use absolutely pure ingredients, but it does say they must be harmless, and in the event of a substitute being used it must, in cases of this kind,

be called an imitation or given some distinctive name. This would apply to chocolate cake, made of the before mentioned substitutes, but there is nothing against the use of this color provided it is harmless in such cakes as devil's food, marble cake, etc. You are then using names that do not imply a certain purity of material, in other words they are distinctive trade names.

The words bread, cake and pies are distinctive trade names, and the goods may be composed of compounds that comply with the law but should you give them a specific name, such as graham bread, vanilla cake, cherry pie, each would have to be just as represented. I wish to say this before I go any farther, that the majority of compounds being sold to the trade are permitted to be used without any explanation or special label.

The baking business has progressed so there is an ever increasing demand and to satisfy this we find a number of firms—one manufacturing an old staple in concentrated form eliminating the moisture, and presenting the finished product for use at a moment's notice; then we have another who is offering another substitute, pure, and of undoubted merit that will produce an article superior to the old methods. In this age of progress these products are absolutely necessary. They relieve a situation that in times of shortage could not be dispensed with. There is no thought of deception here.

Then we have another class of compounds such as imitation extracts. They are perfectly legal if properly labeled and can be guaranteed, but the fact that an article has been guaranteed to you does not signify that you can use it indiscriminately. As an illustration, take imitation vanilla extract. This is used every day in the average bake shop, and a cake flavored with this could not be called vanilla cake, but would be all right if called imitation vanilla cake, as you have no actual vanilla in it. As to the use of this same extract, where the flavor is not designated, it could be used as much as you choose.

Colors, to be harmless, must have no physiological or harmful action on the human system, and are determined by the government. Colors purchased from reputable houses and bearing their guarantee are safe, and there are no restrictions against using them. When the law was first made only a vegetable color was permitted, and such a storm of disapproval went up, it was modified to read harmless color. This part of the law would have worked considerable hardship on all food industries and particularly on the baker. The supply and possibilities of such colors are quite limited, and I am afraid we would have had a monotonous sameness in everything that was produced. What possible objection is there against coal tar coloring? The only one reason I have heard is that some of them are harmful. Is it not true, too, that we have vegetable colorings that are just as poisonous? The chemist in his laboratory can produce any shade of harmless coal tar colors at will and the manufacture of such coloring is conducted along safer and better known lines, than is the case with vegetable matters.

No baker will be liable to prosecution if he can establish that the goods he bought were sold under a guarantee by the manufacturer or jobber. Therefore it is advisable to buy from only reputable houses that are willing to offer their trade this protection. Most manufacturers and dealers have filed a general guar-



antee with the secretary of agriculture, and been given a serial number, which number when appearing on a package with the words, "guaranteed under the food and drug act, June 30, 1906," affords you protection to the extent that the label shows.

I would suggest that you note the labeling of your purchases carefully, as the label at all times must be a true statement of what the packages contain. In the event a food product has no serial number, a guarantee should accompany the invoice or bill of sale, but such guarantee only applies to that one particular shipment, and any subsequent purchases must again be guaranteed to you.

There is a standard established for about every product that you will use, and that makes it quite necessary that you be protected. You will find that no general rules can be laid down to govern your method of manufacture, and a full understanding of the laws will only come with time. What you may and what you may not do, in each instance would have to be handled separately.

Another feature that will undoubtedly be enforced in connection with the Indiana state food law, is the sanitation of the bake shop. I understand the latter has been included as supplemental to the pure food law, and to be subject to the same rigorous inspection. For my part I place cleanliness before purity, and I believe you will admit an unsightly and an unclean bake shop, does more harm and creates more unfavorable criticism, than all the so-called impurities in food.

It is, after all, only a matter of appealing to the appetite, and this cannot be better heightened than by producing tasteful goods in a clean and sanitary manner.

I leave it to yourselves, what impression you have when passing an unclean eating house, and on the other hand when you see a clean and attractive restaurant. The first you will pass by, with a feeling of revulsion but at the latter, if you have any desire to eat, your appetite will be heightened. This applies to the bakery as well, and you will sell more goods, and a larger variety by observing a few laws of hygiene.

Taken altogether, I am sure there is not one baker who understands the situation but what is satisfied, and a year or two later, be thankful we have pure food laws. It may not appear as though there is much need for all this legislation, and in truth for the bakers it was not necessary. But, in making laws, there can be no exceptions. It is a good thing, as it will create uniformity and a greater purity of food products, that enable one to get just what they pay for. Every other country has had a pure food law for some time and they have had no detrimental effect whatever. You all know the agitation we had to meats and several other products a short time past.

This pure food law will do away with all possible criticism by the public, and further it will be easier to buy and sell under a government guarantee, than as has been in the past, where the only protection a man had, was the reputation and veracity of the man he was dealing with, and his own familiarity with the goods.

In conclusion I wish to state the Indiana pure food law as far as the baker is concerned is in substance the same as the national standards. This makes it easy for the Indiana baker as he is already somewhat familiar with the national law and his goods can enter interstate commerce without any change.—Bakers' Helper.

## BAKE-SHOP REGULATIONS IN GERMANY.

Vice-Consul W. C. Schneider reports from Freiburg the latest step of the German authorities in seeking the health of the German people in their watchfulness to guarantee to them a good supply of pure, clean, and wholesome food.

The grand ducal ministry of Baden on October 1 put into effect the following regulations pertaining to the sanitary arrangement and operation of bakery shops:

1. The floor of the working rooms must not lie more than one-half meter (19.68 inches) below the level of the surrounding ground. This depth may be increased to 1 meter (39.37 inches) when a proper opening for ventilation and light in the shape of a trench or hole at least 1 meter (39.37 inches) wide, and whose bottom is at least 0.15 meter (5.9 inches) lower than the floor of the room, is provided.

The district police department may, upon request, allow other exceptions to this rule, if sufficient provision for a good supply of light and air with proper insulation of the floor is made in other ways, so that the demands of health and sanitation are satisfied.

2. The working rooms must be at least 3 meters (9.84 feet) high, and be supplied with windows in sufficient number and size to insure a plentiful supply of light and air. The windows must open into the open air, and must be arranged so they can be opened for ventilation. In proper cases, where the local building regulations do not require higher rooms for living purposes, the police department may permit the use of rooms with a height of only 2.5 meters (8.20 feet) for bakeries.

3. The rooms must be provided with a good, close-fitting floor, which will keep out the dampness of the earth below. All walls and ceilings which are not provided with a smooth washable covering or painted with a waterproof paint must be whitewashed at least once each year, while if a waterproof wall covering is used it must be renewed every fifth year.

4. Closets and lavatories must not be directly connected with the working rooms, and sewerage pipes must not be led through them.

5. The rooms in which the dough is mixed and bread and pastries prepared for baking must be of such size that there are 15 cubic meters (19.62 cubic yards) of air space for each man employed therein. When, as in the case of special holidays, more men than is usually the case are temporarily employed, this requirement may be reduced to 10 cubic meters (13.08 cubic yards) per person.

6. The workmen must be given opportunity to store away and keep their working clothes in clean places, and must provide with a warm and dry place to wash and dress.

7. Before beginning work and before preparing and mixing the ingredients the persons engaged in the work must wash their hands and arms thoroughly in clean water. For this purpose sufficient wash basins, etc., together with soap and towels, must be provided, and for each workman engaged at least one fresh towel a week must be furnished. When running water is not present a washstand or basin must be provided for every five persons employed. Sufficient pure water must be present, and the possibility of removing the water immediately, either by drains directly from the basins or from an adjoining room.

8. The supplies of flour must be stored in dry places, where they are protected from all contamina-



tion. Kneading or working the dough with the feet is strictly forbidden. Water used to coat the bread must be provided fresh every day. The bread and pastry must not be laid on the bare floor.

9. It is strictly forbidden to sit or lie on any of the tables, shelves, etc., which are intended for use for the dough or baked articles. Chairs and benches in sufficient number must be provided to sit on.

10. The working rooms must be furnished with cuspidors, at least one in each room, which must be cleaned daily. Spitting on the floor is forbidden. Smoking, snuffing, chewing of tobacco, etc., is forbidden in the working rooms while work is in progress.

11. The working rooms must not be used for any purposes other than those strictly connected with the preparing and baking of foods; especially must they not be used as washing, sleeping, or living rooms.

12. The working rooms must be kept free from insects of all kinds, and otherwise kept in a clean and neat condition, and they must be thoroughly ventilated at least once each day. The floors must be washed each day, and the walls, as far as they are not white-washed, must be cleaned every three months. The tables, utensils, dishes, pans, troughs, clothes, towels, etc., which are used in the bakery, must be kept in a clean and wholesome condition.

13. Persons employed in the establishment must, while working, wear sufficient clothing.

14. Persons having contagious or loathsome diseases must not be employed in bakeries.

15. In every bakery shop a copy of these regulations must be hung on the walls, as also a certificate of the local police showing: (a) The length, width, and height of the rooms; (b) the number of cubic meters of air space contained in the rooms; (c) the number of persons who, under sections 5 or 16 of these regulations, may be employed regularly in the rooms.

16. The district police department may, in the case of shops at present existing, as far as these are not changed or altered after these regulations go into effect, allow exceptions to paragraphs 2, 4 and 5, if the workmen are in other ways protected against danger to health.

### CIDER MAKING IN FRANCE.

Consul D. I. Murphy of Bordeaux finds that the manufacture of cider in France has assumed enormous proportions and in some parts of the country, especially in the north, its consumption exceeds that of wine. He furnishes the following details of this industry:

#### CIDER PRODUCTION.

The official report of the French Minister of Finance, recently published, shows the cider production of 1906 to have been 589,141,287 gallons, against 127,541,276 gallons in 1905. It used to be said that the cider output was usually about one-fifth that of wine, but in 1906 it was considerably more than one-third. To the great yield of 1906, the ten departments in this consular district contributed 328,818 gallons. The following figures exhibit the production for the last six years:

	Gallons.
1901 .....	326,394,078
1902 .....	243,326,987
1903 .....	149,810,807
1904 .....	1,081,855,401

1905 .....	127,541,276
1906 .....	589,141,287

Total .....2,518,069,836

The method of making cider in France differs in some respects from that followed in America. Greater care is exercised here in the gathering of the apples, in the selection of the fruit, in the manner of fermentation, and in the racking. A brief summary of the different processes may therefore not be without interest.

#### KINDS OF APPLES USED AND METHODS FOLLOWED.

While there are over 80 varieties of apples grown here I find that but 12 of them are ever used for making cider. These are the "Marin," "Onfroy," "Gros-bois," "Bedan," "Blanc Mollet," "Railé," "Fréquin Blanc," "Fréquin Rouge," "Jaune et Pointu," "St. Laurent," "Martin Tessart," "Prune de Miel," and "Argile." It is said that sweet apples make a flat cider, difficult to preserve and lacking in alcohol. Cider made from bitter apples is poor, thick, and astringent, and sour apples make an acid cider, which is considered injurious to the digestive organs.

The best apples for cider making are those which contain sufficient sugar and tannin and which have a pleasant fragrance. These qualities, the varieties mentioned, especially the first three named, possess in a remarkable degree. Many of the manufacturers claim that a mixture of one-third of sweet apples to two-thirds of bitter and sour apples makes the ideal cider.

The apples are gathered only during fine weather. They are shaken from the trees and caught in nets to prevent bruising or contact with the ground. If they are not carried immediately to the press, they are placed in dry lofts where there is a good circulation of air until ready for use.

#### SOUND AND CLEAN APPLES ONLY USED.

The idea that "fermentation purges of all impurities" is not believed here, at least so far as cider making is concerned. No green, decayed, or worm-eaten apples are ever used. The fruit must be clean, for even a little particle of earth, it is claimed will produce a chemical action that is highly injurious. The fruit is first put through a cutter, the pulp and juice collected in a vat and exposed to the air for about fifteen hours, being stirred from time to time with a "palette." The pulp is then put in the press, in layers of from 4 to 6 inches separated by light-rush screens, and the juice extracted. At this first pressing, the best of the modern presses (the old cumbrous affairs having almost entirely disappeared), give no more than 65 to 70 per cent of pure juice. The "must" from this first pressing is placed in a vat, warm water being added to the extent of 25 to 30 per cent of its volume. It is left to macerate for about fifteen hours and then pressed the second time. To the remaining "must" there are added 10 gallons of water to every hundred pounds and then comes the third pressing.

One hundred pounds of apples are said to yield of first quality pure cider 60 to 70 pounds; of second quality cider, 25 to 28 pounds; and of third quality cider, 25 to 28 pounds. In some places cider is made by the method of diffusion, which consists of macerating finely chopped apples for twenty-four hours with an equal quantity of water. The process is repeated three times, but I am advised that the results are not nearly so satisfactory as the method previously indicated.



Cider is fermented here in closed apartments, with a temperature of from 54° to 65° F. The casks in which it is to ferment are thoroughly cleaned and the sulphur wick is burned in them. In the fermentation the lighter substances, called the "chapeau," rise to the surface, and the heavier—the lees, which are thick and sticky—fall to the bottom. Between the two is the pure cider. If the fermentation is not sufficiently active it is usually increased by taking out and heating one-fourth of the contents of the cask and then pouring back over the rest.

#### RACKING AND STORING—MALADIES ENCOUNTERED.

After fermentation (in from four or five days if the temperature is moderate, a little later if cold) the cider is drawn off carefully into sulphured casks, which are always kept well filled. Two months later it is again racked, and six weeks later drawn off for the third time. The liquid is then generally perfectly clear, but if not, it is clarified with about 2 ounces of tannin for every 26½ gallons.

Cider is best preserved in cool, dry cellars and in bottles better than in casks. Thick champagne bottles are always used, and the corks are tied with twine. Rubber stoppers are never used here for cider bottles. If bottled fresh, the cider becomes sparkling. If it is found to be slightly acid, two or three grams of candied sugar are added to each bottle. Three months afterwards the cider becomes like "fruity champagne."

Cider frequently turns bad, especially if every stage of its manufacture has not been well looked after and carefully done. Among the principal "maladies" to which cider is subject I may mention the following, with the appropriate remedies employed: "Fleur du Cidre" is a sort of white veil floating in the cider, and as soon as it is noticed the liquid is drawn off into a clean cask, recently sulphured.

Acidity, when the cider is turning into vinegar, is corrected by pouring into the cask, through the bung, 20 or 30 grams of good olive oil per hectoliter (26½ gallons). If necessary add 200 to 400 grams of neutral tartrate of potash per cask or a little powdered lime or chalk. Bitterness is corrected by adding 300 grams of sugar and 10 grams of tannin per hectoliter. Fermentation should be provoked by taking out and heating one-fourth of the liquid and pouring it back, drawing off six or eight days later. Greasy cider occurs when it becomes sticky and greasy and flows like oil. It is remedied by adding 30 grams of tannin, dissolved in a little water, to each cask. When the cider becomes very dark ten grams of tannin are added to the cask, and after racking the liquid becomes clear again.

A hectare (about 2½ acres) of 200 apple trees is said to yield about 2,245 gallons of good cider, worth on the spot about \$130. The cost of keeping up the orchard and of making the cider is about \$65, leaving a profit of 50 per cent. Doctors here in France say that cider drinkers are rarely subject to bladder, liver, or kidney diseases.

#### HOW THEY MUST HATE HOME.

New York residents have taken to the Parisian custom of dining out several times a week. The excellent service, the fine meal, the delightful music and the whole genuine atmosphere of refinement and luxuriousness act as a tonic that gives zest to jaded appetites and depressing spirits and make life worth living.

## LATE RULINGS OF THE DAIRY AND FOOD COMMISSIONER, STATE OF MISSOURI.

### RULING IV.

#### KIND OF COLOR FOR BUTTER.

Inasmuch as there are now on the market vegetable butter colors which are known to be entirely harmless, and inasmuch as Analine (coal tar) butter color has not yet been proven to be absolutely harmless, this department must regard as adulterated all butter in which an analine dye is used. This ruling will be in effect for all manufacturers in Missouri after October 1, 1907, and for both wholesalers and retailers, after April 1, 1908.

R. M. WASHBURN,

Missouri Dairy and Food Commissioner.

Columbia, Mo., Sept. 7, 1907.

N. B.—By acts of Congress approved August 2, 1886, and May 9, 1902, butter may contain added coloring matter.

### RULING V.

#### COLOR OF OLEOMARGARINE.

In reply to the inquiries received relative to the sale of colored oleomargarine in this state, this Department must cite the inquirers to Section 4744, Revised Statutes 1899, Vol. II, Page 1129, which defines an imitation or substitute for butter; also to section 4745, Revised Statutes 1899, Vol. II, Page 1129, 1130, which forbids the sale within the state of a butter substitute (oleomargarine), which is in any way caused to be "yellow or any shade of yellow so that such substitute shall resemble yellow or any shade of genuine yellow butter;" moreover, inasmuch as the only object there can be in coloring oleomargarine to resemble natural yellow butter is to make it to appear to be of greater value than it really is; it will come under article 4, sec. 4, Senate Bill 47, Page 238, Session Acts 1907, which reads: "Food shall be deemed to be adulterated: 4, If it is mixed, colored, coated, polished, powdered or stained in a manner whereby damage or inferiority is concealed; or if by any means, it is made to appear to be better or of greater value than it really is," therefore this Department holds as adulterated all oleomargarine or butter substitute which is so made as to be yellow, resembling genuine yellow butter, and as such its sale is prohibited in the state of Missouri. This ruling will go into effect, Oct. 1, 1907.

R. M. WASHBURN,

Missouri Dairy and Food Commissioner.

Columbia, Mo., Sept. 7, 1907.

## FIXTURES

**Time and Place of Holding Conventions, Food Shows and Expositions Relating to Pure Foods.**

National Dairy Show and Exposition, under the auspices of the National Dairy Show Association, at the International Amphitheater, Union Stock Yards, Chicago. Address all communications, National Dairy Show Association, Room 307, 154 Washington street, Chicago.

International Pure Food Exposition (World's Pure Food Show) at the Coliseum, Chicago, Ill., November 19th to 25th, 1907. Address Managing Director Thomas I. Hoyne, Manhattan Building, Chicago, Ill.

The National Pure Beverage Exposition at the Coliseum, Chicago, Ill., December 10th to 14th, 1907, inclusive. For particulars address the National Exposition Co., managers of the National Pure Beverage Association, Room 608, 167 Dearborn St., Chicago, Ill.

Norfolk, Va.—Jamestown Exposition, April 20 to Nov. 30, 1907.—Food Products Exposition. H. St. George Tucker, president; G. T. Sheppard, secretary.



# DIRECTORY

## OF FOOD CONTROL OFFICIALS

**ARIZONA.****PHOENIX.****TERRITORIAL BOARD OF HEALTH.**

Robert M. Dodsworth, M. D., Superintendent of Public Health, Secretary of Board.

**CALIFORNIA.****SAN FRANCISCO.****STATE DAIRY AND FOOD BUREAU, 114 CALIFORNIA STREET.**

John A. Bliss of Alameda County, Chairman and Treasurer.

W. Frank Pierce of Alameda County.

Geo. R. Sneath of San Mateo County.

Wm. H. Saylor, Secretary and Chemist.

**CANADA.****OTTAWA.****DEPARTMENT OF INLAND REVENUE.**

Wm. Templeman, Minister of Inland Revenue.

W. J. Garold, Deputy Minister.

Thos. Macfarlane, Chief Analyst. (Deceased.)

Anthony McGill, Assistant to Chief Analyst.

S. E. Wright, Assistant Analyst.

E. Davidson, Assistant Analyst.

A. Lemoine, Assistant Analyst.

J. A. Valin, Assistant Analyst.

**COLORADO.****DENVER.**

R. G. D. Bishopp, Dairy Commissioner.

J. J. Gerardet, Deputy Commissioner.

**CONNECTICUT.****HARTFORD.**

J. B. Noble, Commissioner.

R. O. Eaton, Deputy Commissioner.

**DISTRICT OF COLUMBIA.****WASHINGTON, D. C.****HEALTH DEPARTMENT.**

Health Officer, William C. Woodward.

Chemist, R. L. Lynch.

Deputy Health Officer, H. C. McLean.

Chief Inspector, Dr. Murray G. Motter.

**GEORGIA.****ATLANTA.**

T. G. Hudson, Commissioner of Agriculture.

R. F. Wright, Assistant Commissioner of Agriculture.

John M. McCandless, State Chemist.

**IDAHO.****BOISE.****STATE DAIRY, PURE FOOD AND OIL COMMISSION.**

J. R. Field, Commissioner, New Plymouth.

Prof. S. R. Macy, State Chemist.

**ILLINOIS.****CHICAGO.**

Alfred H. Jones, State Food Commissioner.

H. E. Schuknecht Assistant Food Commissioner.

T. J. Bryan, State Analyst.

Miss Lucy Doggett, Assistant State Analyst.

T. J. Nchls, Assistant Chemist Stock Foods.

Frank Hoey, Chicago, Inspector.

C. H. Kjellquist, Rockford, Inspector.

J. C. Eagleton, Robinson, Inspector.

H. J. Hamlin, Jr., Shelbyville, Inspector.

Harrison Kennicott, Glen View, Inspector.

J. L. McLaughlin, Chicago, Inspector.

**INDIANA.****INDIANAPOLIS.****STATE BOARD OF HEALTH.**

J. N. Hurty, M. D., Phar. D., Secretary of State Board of Health and State Food and Drug Inspector.

H. E. Barnard, B. S., Chemist.

H. E. Bishop, B. S., Assistant Chemist.

**IOWA.****DES MOINES.****STATE FOOD AND DAIRY COMMISSION.**

H. R. Wright, Commissioner.

W. E. Smith, Deputy Commissioner.

W. B. Johnson, Assistant Commissioner.

F. L. Odell, Assistant Commissioner.

J. R. Chittick, Chemist.

Miss Avis Talcott, Assistant Chemist.

**KANSAS.****TOPEKA.****STATE BOARD OF HEALTH.**

L. A. Golden, M. D., President.

S. J. Crumbine, M. D., Secretary.

E. H. S. Bailey, Ph. D., Chemist.

**THE STATE AGRICULTURAL COLLEGE.****DEPARTMENT OF CHEMISTRY.****MANHATTAN.**

J. T. Willard, M. S., Professor of Chemistry.

H. A. Wood, B. S., Assistant in Chemistry.

H. H. King, M. A., Assistant in Chemistry.

E. C. Crowley, Ph. B., Assistant in Chemistry.

Alice M. Melton, B. S., Clerk.

**KENTUCKY.****LEXINGTON.**

M. A. Scovell, Director Experiment Station.

R. M. Allen, Secretary and Executive Officer, Food Division.

J. O. La Bach, Chemist, Food Division.

**LOUISIANA.****NEW ORLEANS.****THE STATE BOARD OF HEALTH.**

C. H. Irion, M. D., President, New Orleans.

W. Glendower Owen, M. D., Vice-President, White Castle.

W. S. Ingram, Secretary, New Orleans.

**MAINE.****AUGUSTA.**

A. W. Gilman, Commissioner.

L. H. Merrill, Chemist in charge Food Analysis.

**MARYLAND.****BALTIMORE.****THE STATE BOARD OF HEALTH.**

Dr. Wm. H. Welch, President.

John S. Fulton, M. D., Secretary.

**MASSACHUSETTS.****BOSTON.****BOARD OF AGRICULTURE, ROOM 136, STATE HOUSE.**

P. M. Harwood, General Agent, Massachusetts Dairy Bureau.

J. Lewis Ellsworth, Executive Officer and Secretary of the State Board of Agriculture.

C. D. Richardson, West Brookfield, Chairman of Dairy Bureau.

**FOOD DIVISION OF BOARD OF HEALTH.**

Charles Harrington, M. D., Secretary.

Albert E. Leach, Chemist, Food and Drug Analyses.

Chas. A. Goessman, Milk Analyst for Western Mass

H. C. Lythgoe, Assistant Chemist.

**MICHIGAN.****LANSING.**

A. C. Bird, State Dairy and Food Commissioner.

Colon C. Lillie, Deputy Commissioner.

Floyd W. Robison, State Analyst.

L. H. Van Wormer, Assistant Chemist.

**MINNESOTA.****ST. PAUL.****STAFF OF THE DAIRY AND FOOD COMMISSION.**

E. K. Slater, Commissioner.

John McCabe, Assistant Commissioner.

W. W. Wall, Secretary.

Julius Hortvet, Chemist.

R. M. West, Assistant Chemist.

Miss Marjorie Cole, Assistant Chemist.

Genevieve Imus, Assistant Chemist.

**MISSOURI.****COLUMBIA.**

Robert M. Washburn, Dairy and Food Commissioner.

M. H. Lamb, Deputy Dairy and Food Commissioner.

G. G. Strock, Inspector.

R. C. Arnett, Inspector.

Dan Johnson, Inspector.

D. A. Chapman, Inspector.

**MONTANA.****MONTANA MEAT AND MILK INSPECTION COMMISSION.****HELENA.**

Dr. Wm. Treacy, President.

Dr. Thomas D. Tuttle.

M. E. Knowles, Secretary.

**NEBRASKA.****LINCOLN.****NEBRASKA FOOD COMMISSION.**

Joseph W. Johnson, Deputy Commissioner in charge of the department.

E. L. Redfern, State Chemist.



## NEW HAMPSHIRE.

## CONCORD.

## STATE BOARD OF HEALTH.

G. P. Conn, M. D., President.  
 Irving A. Watson, M. D., Sec. and Director of Laboratory  
 Chas. D. Howard, B. S., Chemist.  
 Walter B. Pope, Assistant Chemist.

## NEW JERSEY.

## TRENTON.

## STATE BOARD OF HEALTH.

Cyrus F. Brackett, M. D., LL. D., President.  
 Henry Mitchell, Secretary.  
 R. B. Fitz, Randolph, Dir. State Laboratory of Hygiene.  
 Shippen Wallace, Analyst.  
 Wm. G. Tice, Analyst.

## NEW YORK.

## ALBANY.

## DEPARTMENT OF AGRICULTURE.

Charles A. Wieting, Commissioner.  
 George L. Flanders, Assistant Com., Albany, N. Y.  
 Henry H. Kracke, Assistant Com., New York City.  
 Ebenezer J. Preston, Assistant Com., Amenia, N. Y.  
 Robt. McAdam, Acting Assistant Com., Utica, N. Y.  
 S. Brown Richardson, Assistant Com., Lowville, N. Y.  
 Charles T. Russell, Assistant Com., Munsville, N. Y.  
 Verlett C. Beebe, Assistant Com., Arcade, N. Y.  
 William T. Hughes, Assistant Com., Rochester, N. Y.  
 John H. Grant, Assistant Commissioner, Buffalo, N. Y.  
 James P. Clark, Assistant Com., Falconer, N. Y.

## STATE DEPARTMENT OF HEALTH.

Eugene H. Porter, M. D., Commissioner.  
 Alec. H. Seymour, Secretary.  
 F. D. Beagle, Chief Clerk.  
 Prof. Willis G. Tucker, M. D., Dir. Bureau of Chemistry.

## NORTH CAROLINA.

## RALEIGH.

## BOARD OF AGRICULTURE.

S. L. Patterson, Commissioner.  
 T. K. Bruner, Secretary.  
 B. W. Kilgore, State Chemist.  
 W. M. Allen, Food Chemist.

## NORTH DAKOTA.

## FARGO.

E. F. Ladd, Food Commissioner.  
 R. F. Flint, Dairy Commissioner.

## OHIO.

## COLUMBUS.

## OHIO DAIRY AND FOOD COMMISSION.

Hon. Renick W. Dunlap, Commissioner, Columbus.  
 Charles H. May, Chief Inspector, Circleville.  
 William Martin, Assistant Com., Chardon.  
 John J. Kinney, Assistant Com., Cincinnati.  
 Dr. James H. Beal, Drug Inspector, Scio.  
 T. D. Wetterstroem, Chemist, Cincinnati, 3935 Spring Grove Avenue.

Prof. William McPherson, Chemist, Columbus.  
 O. S. Marckworth, Chemist, Columbus.  
 Dr. J. A. Beer, Chemist, Columbus.  
 Prof. Perry L. Hobbs, Chemist, Cleveland.  
 Prof. Azor Thurston, Chemist, Grand Rapids, Ohio.  
 Prof. H. K. Newton, Chemist, Cleveland.  
 W. E. Johnson, Food Inspector, Jackson.  
 E. J. Riggs, Food Inspector, Gallipolis.  
 C. M. Shafer, Food Inspector, Canal Fulton.  
 Anthony Sauer, Food Inspector, Cincinnati.  
 C. H. Waid, Food Inspector, Wauseon.  
 S. P. Ewing, Food Inspector, Columbus.

## OREGON.

## PORTLAND.

J. W. Bailey, Dairy and Food Commissioner.  
 H. V. Tartar, Deputy Dairy and Food Commissioner.  
 Dr. Charles Withycombe, Dir. Oregon Experiment Station.

## PENNSYLVANIA.

## HARRISBURG.

## DEPARTMENT OF AGRICULTURE AND DAIRY AND FOOD COMMISSION.

N. B. Critchfield, Secretary of Agriculture.  
 James Foust, Dairy and Food Commissioner.  
 Oliver D. Schock, Assistant Dairy and Food Commissioner.  
 Prof. C. B. Cochran, Chemist.  
 Prof. Wm. Frear, Chemist.

## RHODE ISLAND.

## PROVIDENCE.

## BOARD OF HEALTH.

Albert G. Sprague, M. D., President.  
 Gardner T. Swartz, M. D., Secretary.

## SOUTH CAROLINA.

## CHARLESTON.

## BOARD OF HEALTH.

J. Grange Simons, M. D., Chairman.  
 James E. Sims, Secretary, Florence.

## SOUTH DAKOTA.

## BROOKINGS.

A. H. Wheaton, Food and Dairy Commissioner.  
 G. D. Grover, Assistant.  
 F. G. Orr, Chief Clerk, Evarts, S. D.  
 Prof. J. H. Shepard, Brookings, S. D., State Chemist.

## TENNESSEE.

## NASHVILLE.

## BOARD OF HEALTH.

Dr. Hebor Jones, Vice President, Memphis.  
 Hon. W. W. Ogilvie, Nashville.  
 Dr. R. E. Fort, Nashville.  
 Dr. Louis Leroy, State Bacteriologist.

## TEXAS.

## AUSTIN.

## DEPARTMENT OF PUBLIC HEALTH AND VITAL STATISTICS.

Dr. Geo. R. Tabor, State Health Officer.  
 E. E. Walker, Secretary.

## UNITED STATES.

## WASHINGTON, D. C.

## DEPARTMENT OF AGRICULTURE.

James Wilson, Secretary.  
 W. M. Hays, Assistant Secretary.  
 H. W. Wiley, Chief, Bureau of Chemistry.  
 W. D. Bigelow, Chief, Division of Foods.  
 G. E. Patrick, Chief of Dairy Laboratory.  
 Dr. L. F. Kebler, Chief of Drugs Laboratory.  
 R. E. Doolittle, Chief of New York Laboratory.  
 R. A. Gould, Chief of San Francisco Laboratory.  
 B. H. Smith, Chief of Boston Laboratory.  
 Howard V. Frost, Chief of Chicago Laboratory.  
 C. F. Brinton, Chief of Philadelphia Laboratory.  
 C. W. Harrison, Chief of New Orleans Laboratory.

## BUREAU OF ANIMAL INDUSTRY.

A. D. Melvin, Chief of Bureau.  
 R. P. Steddom, Chief of Inspection Division.  
 Ed H. Webster, Chief of Dairy Division.

## TREASURY DEPARTMENT.

## BUREAU OF INTERNAL REVENUE.

John G. Capers, Internal Revenue Commissioner.  
 L. M. Tolman, Chief, Division of Chemistry.  
 S. L. Stephenson, Chief, Division of Distilled Spirits.  
 C. A. Bates, Chief, Division of Assessments.

## UTAH.

## SALT LAKE CITY.

John Peterson, State Dairy and Food Commissioner.  
 Herman Harms, State Chemist.

## VERMONT.

## BRATTLEBORO.

## STATE BOARD OF HEALTH.

Charles S. Caverly, M. D., President, Rutland, Vt.  
 Henry D. Holton, M. D., Secretary, Brattleboro, Vt.  
 B. H. Stone, M. D., Director of Laboratory.  
 C. P. Moat, Chemist.  
 H. L. White, Chemist.

## VIRGINIA.

## RICHMOND.

G. W. Koiner, Commissioner of Agriculture.  
 E. W. Magruder, Chief Chemist.

## WASHINGTON.

## DAVENPORT.

L. Davies, State Dairy and Food Commissioner, Davenport, Washington.

L. W. Hanson, Deputy Dairy and Food Commissioner, Seattle.

Prof. Elton Fulmer, State Chemist, Pullman, Washington.

## WEST VIRGINIA.

## CHARLESTON.

## STATE BOARD OF AGRICULTURE.

James O. Thompson, Secretary.

## WISCONSIN.

## MADISON.

J. Q. Emery, Dairy and Food Commissioner.  
 H. S. Baer, Assistant Commissioner, Dairy Expert.  
 J. G. Moore, Second Asst. Commissioner, Creamery Expert.  
 F. M. Buzzell, Chief Food Inspector.  
 Richard Fischer, Ph. D., Chemist.

## WYOMING.

## EVANSTON.

## STATE BOARD OF HEALTH.

E. W. Burke, State Dairy and Food Commissioner.  
 Prof. Henry G. Knight, State Chemist, Laramie.



## RULING OF THE FOOD AND DAIRY COMMISSIONER ON DRUGS.

Owing to the many inquiries coming to this office both by letter and by personal application concerning many of the more important features of the South Dakota Drug Law, it has become evident that certain *explicit* instructions and rulings are imperative at this time. Also a direct request from the State Board of Pharmacy indicates the same necessity. *The following rulings are now in force:*

1. *What Class of Goods Are Exempt from Special Labeling under the Law?* The law specifically exempts all *official* standard U. S. P. and N. F. preparations when of full strength. If below standard or of a different strength the label must give the correct strength. All prescriptions and medicines carried by physicians in their cases are exempt from special labels. The same is true of medicines and prescriptions of veterinary surgeons and dentists.

U. S. P. and N. F. preparations which are *not* official must be labeled.

2. *What Preparations Must Be Labeled?* All prepared medicines of whatsoever description must be labeled and the label must give the common names of each separate ingredient. But the quantity of any ingredient need not be stated unless that ingredient be one of the drugs or any derivative thereof specifically named in the law. The drugs requiring quantitative statement are: Morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, caffeine, phenacetine, acetanilide and alcohol. See Section 35, Arts. 3 and 4. Also see Art. 5, second provision.

3. *When Must Goods Be Labeled?* The U. S. authorities have named October 1, 1907. This commission, therefore, adopts the same date since it would be manifestly impracticable to make the necessary changes earlier.

4. *Stocks on Hand.* No law can be retroactive. But in order to close up the matter of old stocks by October 1st, it is ruled that the following method of procedure will serve to identify and exempt old stocks. First, the *retailer* must stamp or label each article in his old stock "On Hand October 1st." Second, the *retailer* must file with the Food and Dairy Commissioner a complete inventory of all articles so stamped on or before October 10, 1907. *The retailer will be held strictly responsible for these provisions.* Moreover *retailers are warned* not to lay in large stocks of goods requiring special labels before October 1st, un-

less the new goods are labeled in strict conformity with the law.

A. H. WHEATON,

Food and Dairy Commissioner.

Brookings, S. D., August 20, 1907.

## WHAT WONDERFUL THINGS HAPPEN IN THE NEXT COUNTY.

### SELLS BAD EGGS—FINED.

The pure food law covers a wider scope than many realize. Anyone found guilty of selling overripe eggs is subject to fine just the same as though he had sold "doctored ice cream." Recently a pure food inspector dropped into a town east of Kewanee and was in a merchant's store when a farmer brought in a couple of dozen eggs. The merchant purchased them and in turn the pure food inspector invested. The eggs were examined, some of them found to be "bad" and the farmer was fined \$100 for the offense.—Kewanee, Ill., Star-Courier.

Send in one dollar and we will send you the American Food Journal for one year and a photograph of the 11th annual convention of The Association of State and National Food and Dairy Departments neatly framed.

**We are the Largest Manufacturers of Prepared**  
**MUSTARD AND CATSUP**

**HUSS-EDLER PRESERVE COMPANY,**

Write for Samples and Prices. 75-79 W. Kinzie St., Chicago

## The Way of the Transgressor is Lard

The difference between COTTOLENE and lard is just this: COTTOLENE is a vegetable product made from the purest cottonseed oil; lard is an animal product made from hog fat.

COTTOLENE is pure, wholesome and digestible; lard is often impure and always indigestible.

COTTOLENE is sold only in sealed, air-tight tin pails, keeping it always fresh and sweet; lard is usually sold in bulk, exposed to dust and dirt and the odors of fish, kerosene, etc., so common in most groceries.

COTTOLENE is richer than either lard or cooking butter, one-third less being required.

COTTOLENE shortens your food, lengthens your life; it's "the perfect shortening."

Made by

**The N. K. Fairbank  
Company**

## The American Food Laboratory

1235-1240 Caxton Bldg., 334 Dearborn St., Chicago

Telephone Harrison 2473

### SPECIALTIES

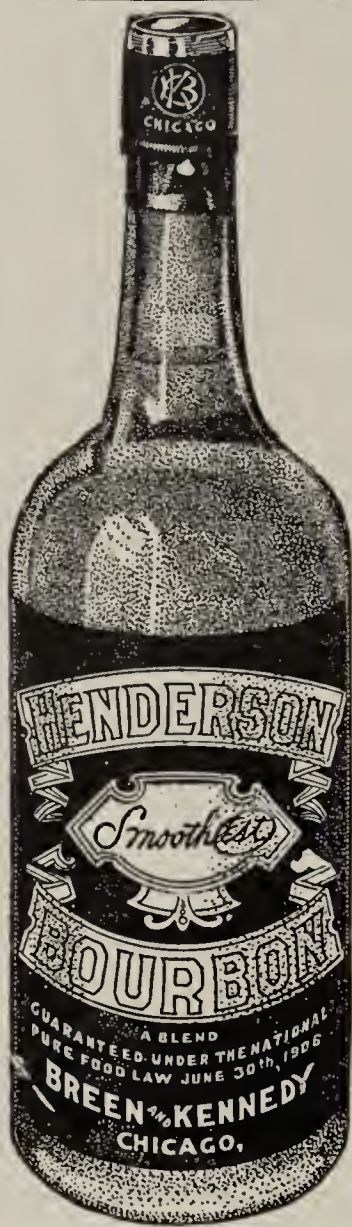
Food Stuffs; Water—Portable, Mineral. Boiler;  
Drugs, Liquors, Food Colors and Preservatives,  
Cattle Feeds, Fertilizers.

Technical information as to requirements of State  
Food, Drug, Fertilizer and Stock Food Laws.

### INDUSTRIAL

Factory Processes, Factory Investigations, Chemical  
Patents Perfected, Practical Receipts, Soap and  
Glycerine, Paints and Oil, Utilization of Bi-Products,  
Toxicological Work, Infant and Invalid Foods.





# Henderson Bourbon

and

# Maryland Reserve Rye

Analysis Proves them to be

## PURE FOOD WHISKIES

Up to Standard and True to Label

For Sale by

**BREEN & KENNEDY**

187-189 Washington Street  
CHICAGO



## First Consideration

The first consideration in the matter of food is nutrition; the next, facility of digestion and assimilation. The grains like wheat should be preferred, which are well supplied with the constituents of brain and nerve, cooked in a palatable manner.

## DR. PRICE'S WHEAT FLAKE CELERY FOOD

is prepared from the whole wheat berry, so as to render it the best of foods for growing children, invalids, the aged, the brain and muscle working classes.

**Palatable—Nutritious—Easy of Digestion and Ready to Eat**

Can be served hot. Put in a hot oven for a few minutes; or cook in boiling milk

10c a package  
All Grocers

My Signature  
on every  
package

Dr. W. C. Price 88



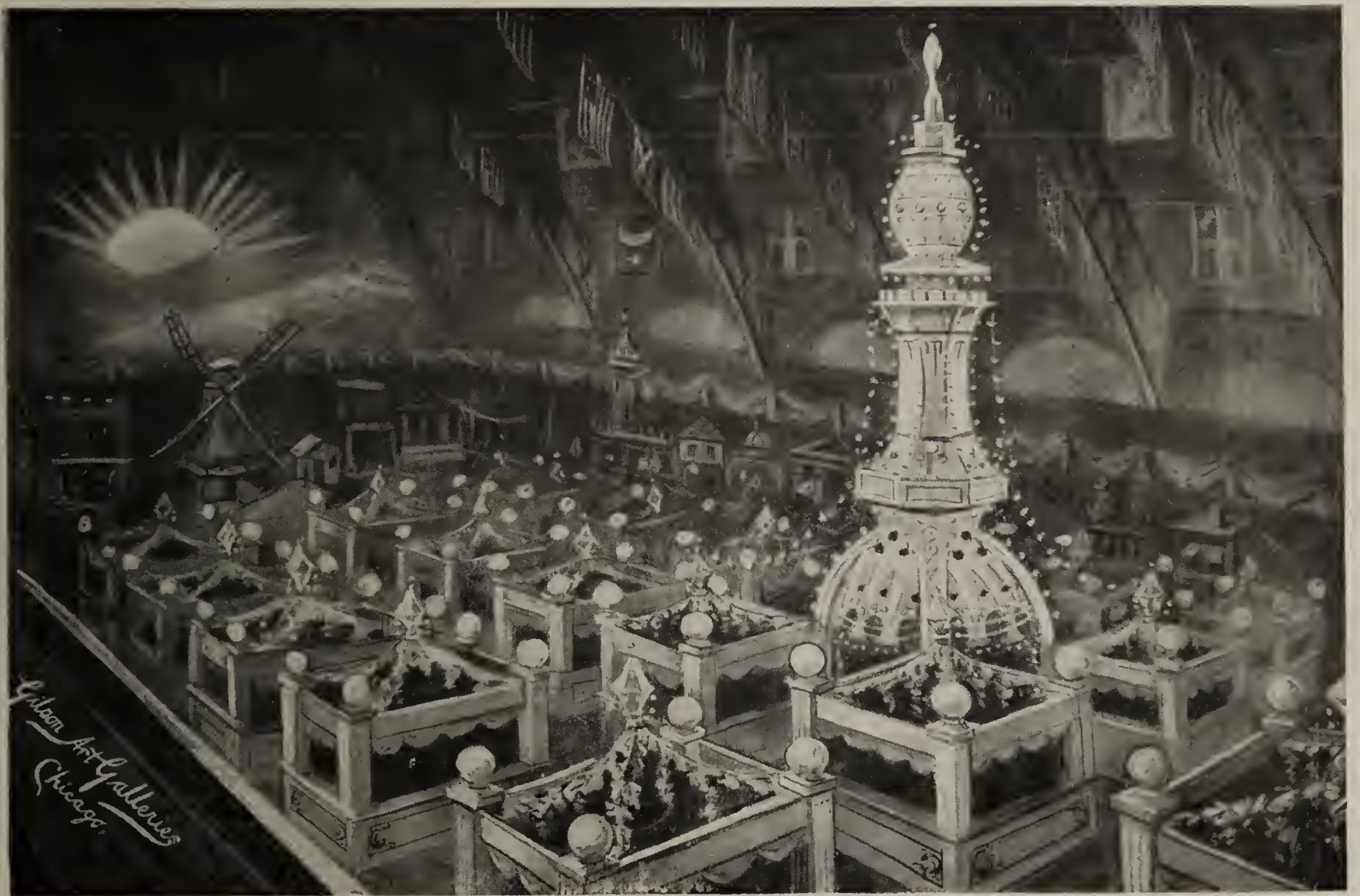
# THE AMERICAN FOOD JOURNAL



Vol. II No. 10

CHICAGO, OCTOBER 15, 1907

10c. Per Copy  
Monthly \$1.00 Per Year



**INTERNATIONAL PURE FOOD EXPOSITION.**

(Interior View.) See Page 18.





For  
"Goodness"  
Sake Get

# Karo

**CORN SYRUP**

*A Treat That  
Makes You Eat*

**Karo  
Corn Syrup**

is more than "goodness"—it's a food so valuable in its properties that authorities class it high among food products. Not only nutritious but delicious—a golden syrup of exquisite flavor that pleases all palates. For every use from griddle cakes to candy.

10c., 25c. and 50c.  
in air-tight tins.'

CORN PRODUCTS MANUFACTURING CO.



## Henderson Bourbon

and

## Maryland Reserve Rye

Analysis Proves them to be

# PURE FOOD WHISKIES

Up to Standard and True to Label

For Sale by

### BREEN & KENNEDY

187-189 Washington Street  
CHICAGO

**HENDERSON**  
Smoothest  
**BOURBON**  
A BLEND  
GUARANTEED UNDER THE NATIONAL  
PURE FOOD LAW JUNE 30th, 1906  
BREEN & KENNEDY  
CHICAGO

**MARYLAND RESERVE**  
FINE  
**RYE**  
**WHISKEY**  
A BLEND  
GUARANTEED UNDER THE NATIONAL  
PURE FOOD LAW JUNE 30th, 1906  
BREEN & KENNEDY  
SOLE PROPRIETORS.  
CHICAGO



# THE AMERICAN FOOD JOURNAL



Vol. 2. No. 10.

CHICAGO, OCTOBER 15, 1907.

Monthly, \$1 Per Year.  
10c Per Copy.

## ADDRESSES DELIVERED

AT THE

### Eleventh Annual Convention

OF THE

## Association of State and National Food and Dairy Departments

At Jamestown Ter-Centennial Exposition  
July 16th to 19th, '07.

### **'CO-OPERATION BETWEEN THE STATE AND FEDERAL AUTHORITIES.'**

Mr. President and Members of the National Association of  
State Dairy and Food Departments:

This is the commercial age, the age of trusts and combinations of individuals and capital to carry on great enterprises.

The world has never seen anything like it—as a people we boastfully point to the great things we have accomplished in mechanics, in chemistry, in physics—indeed, in all branches of science and art.

The mysterious power of electricity has been brought within such control that you can stand on these Exposition grounds and converse with all parts of the civilized world, although only a few weeks ago, weeks or months were required to carry these same messages. We never tire of such comparisons. We may continue them for hours because the material is all around us, and yet with all these evidences around us we find it nearly impossible to secure that kind of legislation in the different states of the union, as well as by congress for the national government as will regulate and control the manufacture and sale of all food products.

For promoting legislation and securing unity of action along these lines the National Association of State Dairy and Food Departments was organized, and these annual meetings have been held, and I want to congratulate the officers and members of this association at this the eleventh meeting on the work accomplished.

This association was organized, not only for the purpose of securing national and state food laws regulating the manufacture and sale of food products, but uniformity and

harmony of action, and in order to do this it sought to bring about the closest co-operation and harmony of action between the states and the national government in the enforcement of pure food laws to that end, that a system of pure food legislation be created in the states, under their police powers, and by the national congress, under power given to regulate interstate commerce, and it was necessary to have this harmony of action, not only between the states, but between the states and the national government as well, in order that there might be no conflict of authority, and to the end that the joint knowledge and experience, of state and federal officials may be brought to bear in the consideration of the technical and practical questions arising in the enforcement of these food laws.

The objects of national and state food laws are three fold: First, To protect the ignorant consumer from injury and fraud; Second, To foster and protect the industries of our country; Third, To put competing manufacturers, packers and jobbers on an equal footing. In order to fulfill these objects, it is necessary to have stringent food laws so drafted that there may be uniformity in labels, standards and brands as to all food products, and also, so that there may be the fullest harmony of action between state and national food officials.

Food is, next to air, the greatest necessity of life, and the study of the wholesomeness or unwholesomeness of the various kinds of foods adapted to human existence, their relations to the need of the human body, their influence on the life and health of the individual, their quality, their strength, their purity, or freedom from matters—foreign and injurious to health, and the proper food ingredients for a staple ration, is one of the essential studies in connection with the enactment of pure food laws and their proper enforcement.

When we think that the whole human family is dependent



on the food product: that it is engaged in a struggle for it; that the condition of humanity depends upon the quality of its food and that the people are prepared for this struggle for existence in proportion as its food products are kept pure and wholesome; that we can tell the standard and character of a people by the wholesomeness and purity of their food products, by the food they eat—we can then see, and understand, how necessary it is to have a pure and wholesome food product, a stable ration, and wise and wholesome food laws, and officers authorized to enforce them, and have them rigidly enforced, thus guarding the people, and protecting them from the manufacturers and dealers in impure and unwholesome foods and food products.

Pure food laws, therefore, teach us how to protect ourselves against impure, unwholesome and falsely labeled food and drink which undermine health, caused either by ignorance, neglect or dishonest desire for illicit gain.

The adulteration and falsification of alimentary products is by no means an invention of modern times; it has always been practiced, as the citation of ancient recorded cases prove. We learn from these that in past ages adulteration of foods and drink was punished not only by fine and imprisonment but with more humiliating penalties, and to expiate their infamy the adulterators of food were often compelled to wear in public a placard with the announcement "Falsifier" or something similar written in conspicuous characters.

When, as in ages past, alimentary products were grown and manufactured by the consumer himself or the consumer bought direct from the farmers the raw materials, such as grain, meats, fruits, etc., and prepared the foods himself, he was certain, or at any rate had greater security, that he was consuming the pure article. With these principles involved food legislation in this country—national and state—has identified itself.

Congress in 1906 passed the national food and drug law, modeled along these lines, providing for the proper labeling of all food products, and that all food products should be so manufactured and prepared that the purchaser might know from the label that they were properly prepared and were wholesome and not injurious to the health, also provided a system of food inspection and analysis, and the legislatures of the different states are taking up this food question and passing laws in harmony with this new national food law, and it affords me great pleasure to state that the state I have the honor of representing is not behind in this work, that Illinois is one of the first states in the union to take up the work of co-operation with the national food authorities and to secure the enactment of a pure food law modeled after and along the lines of the new national food law; that our present general assembly is not behind that of any other state in the union in food legislation. It took up the question of food legislation as soon as the national food law was passed and revised the Illinois state food law along the lines of the new national food law. It is a model law and the approval of the Illinois food law by Governor Deneen will give Illinois, in my opinion, the best food law of any state in the union.

It is therefore only since the passage of this national food law by congress and the revision of the state food laws by our legislatures of the various states of the union that there could be co-operation between national and state food authorities. Now that we have national and state food laws, modeled along the same lines and in harmony, we can have uniformity in labels, standards and rulings for the various food products of our country, and no more will our honest manufacturers be bothered by state lines, for when he has his foods prepared, labeled and sold in conformity with the requirements of the national law it will then meet with the requirements of the state food laws of the different states, and he will not, as in the past, have to keep a supply of labels to meet the requirements of the national food law and also a different set of labels in order to meet the requirements of the food laws of the different states in which he may desire to sell food products.

The proper labeling of all food products is especially provided for, and a commission to fix standards is also provided for and the national and state food authorities are empowered to make rulings and regulations controlling the preparation, manufacture and sale, as well as the proper labeling, of all articles of food. The state food authorities have not only the authority to provide for the proper labeling of food products within the state, but also to make requirements in regard to goods coming across the border line

of the state, and this co-operation of the food authorities of the nation and the states and the agreement as to standards and labels in regard to foods coming across the border line of the state under the interstate commerce law will simplify the work very much and make it more effective, as it gives the national and state food officials authority to co-operate without regard to state lines as to the question of violating interstate commerce laws.

Under the provisions of these new laws, national and state, the work of enforcing the laws has been greatly helped and the food departments strengthened by increasing the number of inspectors and chemists and by additional funds for carrying on the work of inspection and analysis and prosecution of violators of the law.

The guaranty clause is only one of the many sections that is novel in our new national and state food laws, and the addition of this section will make manufacturers more careful.

The creation of a "food standard committee" for the purpose of determining and adopting standards of quality, strength and purity for the various food products is a new



**HON. ALFRED H. JONES,**  
Food Commissioner of Illinois.

provision. Heretofore there have been no standards fixed in the law for food products, nor any authority provided for making them. This lack of standards has, in the past, placed food officials at great disadvantage; it has placed the burden of proof in prosecutions for violations of the law upon the officers appointed to enforce the law, and each case had to be proven up by expert testimony as if no other has ever been tried. The uncertainty of conditions due to these facts weakened the law, and made it hard to convict and encouraged violators of the law to continue their transgressions.

Now, under our new national and state food laws, we will have standards for such articles of foods, and the discovery of fraud in foods and the evidence of same will simply mean a question of analysis and comparison of samples with the standards as fixed by these laws.

Under these new food laws, national and state, and the standards and labels prepared under them our manufacturers, dealers and food officials as well as the consumers of these various food products will be equally and fully informed as to the precise requirements in the composition of all articles of food, as well as the manner in which they should be prepared, labeled and sold. Thus much unnecessary and costly litigation will be thereby avoided.

This necessity for standards and labels for all food products and for co-operation in making and enforcing these regulations in regard to them is due to the fact that in the com-



petition in trade which exists in all food products unscrupulous manufacturers and dealers are placing inferior foods upon the markets without notice of their adulterations, to the great injury of the public, both as respects value and health.

I regard these provisions for food standards and labels for all food products as of vast importance and that they will strengthen the laws, state and national, and aid in their enforcement very materially.

The manufacturers, packers and jobbers and trade interests generally, as a general proposition, are in favor of an honest label, one which defines to the consumer the true character of the article it covers. There is a minority that claims that when once a food product is admitted to be pure and wholesome it should not come under the jurisdiction of a food law and should be sold as any other article of merchandise; and also that when a food law undertakes to protect the people from fraud and deception it is going beyond the question of pure food. This position is untenable, as an impure and unwholesome food product undermines the health of the people and thus affects the welfare of the nation and the state, which is not the case with other sorts of merchandise.

The fundamental principle is that every consumer is entitled to choose as to the kind and quality of the food offered for sale. For example, whether they shall receive honey when desiring to purchase that article or a mixture of honey and glucose, absolutely pure fruit jelly or some questionable imitation, and this comparison is equally applicable and true as applied to all foods and food products.

The most important effects of these laws, national and state, upon the manufacturers and packers are that it urges them to make the public familiar with their foods. The agitation over the country for "pure foods" has aroused the public thoroughly for the first time to the paramount importance of finding out what they eat. As in every revolution there is violent reaction and a state of chaos before the reforms aimed at are secured, so in the present "pure food movement" the ultimate results have not yet been achieved.

With the agitation for "pure food" and the consequent legislation, state and national, the consumer learned for the first time of hundreds of adulterations and cases of mislabeling which he never before dreamed of. The first result of this was, of course, to make him suspicious of every can or package of food. He has heard of coal tar dyes, benzoate of soda, sulphate of copper, salicylic acid, formaldehyde and a score of other things that are used to "dope" the various food products, until he has come to believe that there is no manufacturer who does not use some drug or adulterant in his food products. It, of course, makes no difference that there are thousands of honest manufacturers of foods whose food products have always answered in every way to these new food laws. At present the consumer does not believe this, and for the next few years at least the most important work of these manufacturers who will be able to hold their trade in the markets will be to make the consumer of their food products certain as to the purity of their goods and that they are properly prepared and labeled. Many manufacturers are slow to recognize the fact that at present the public is suspicious of all food products.

It is hard to make the individual or corporation that has been manufacturing a standard brand and putting it on the market for a quarter of a century or more understand that on a sudden his customers would become suspicious of him. Yet this is precisely the condition at the present time. The honest manufacturer who knows that his goods have always been up to the standard and the demand of these laws cannot believe that customers of twenty-five years' standing would doubt him, but he must remember that in any great reform movement the honest man is at first likely to be classed with the dishonest by the public at large, who are ignorant of true conditions.

At such a time as this, when the good housewife who buys for the household has become suspicious of all brands because of what she has read in the newspapers and magazines, as well as the bulletins and reports of the state and national food authorities, of adulterated and poisonous foods, it is up to the honest and wise manufacturer to seize every means in his power of assuring her of the excellence of his goods and re-establishing them with her.

The public can make its influence felt in another way; it can patronize those manufacturers and dealers who have honorably distinguished themselves by a strict compliance with these laws. It can insist on getting its food products only from honest dealers or manufacturers. It can decline

to receive substitutes of questionable quality and or not plainly and intelligently labeled. It will thus make it to the interest and advantage of the manufacturer or dealer to properly prepare and turn out the right kind of food. If the public would follow this rule there would be a reformation at once in the food markets of the nation.

Under this national food law passed by congress and which became a law June 30, 1906, and became effective January 1, 1907, congress empowered the heads of three important branches of our government, the Department of Agriculture, Department of the Treasury and the Department of Commerce and Labor, to make rules and regulations to govern the administration of this law and secure its enforcement.

These officials in turn publicly invited all parties affected by the law to appear before their representatives in the city of New York during the week of September 17 to 23 to explain their views.

It was at these conferences that the two great food law questions, "What is a harmful substance?" and "What is a harmful label?" received the careful and analytical consideration of the largest producers and distributors in foods of this country for the first time in its history.

It was also as a result of these conferences that the policy of the national authorities and officers appointed to enforce the "food laws" was settled, and the policy of co-operation between the national and state food authorities and the food interests and industries of the country was secured.

**THIS POLICY OF CO-OPERATION WITH THE GOVERNMENT AND WITH THE NATIONAL FOOD AUTHORITIES AND THE FOOD INTERESTS AND INDUSTRIES OF THE COUNTRY TO SECURE REASONABLE AND JUST INTERPRETATION OF THE LAW, NOT REVOLUTIONARY TO THE TRADE INTERESTS, AND WHICH STANDS FOR PURE FOOD TRUTHFULLY LABELED.**

As a result of the hearings before this national food commission the food interests procured an extension until October 1, 1907, to dispose of and use labels on hand, which did not misrepresent the contents of the carton or package.

Another of the important results obtained from the hearings before this food commission was the issuance of the regulation which left open for further scientific investigation by the secretary of agriculture and the national and state food authorities the determination of the wholesomeness of colors, preservatives and other substances which have been customarily added to food products, thereby preventing any unhasty action in the decision of these questions.

The power of congress or the state legislatures to make requirements as to the form of label to be used and fix reasonable standards for the various food products has been judicially sustained and all doubts have been settled as to the power of the government to enforce standards when incorporated into or made part of the food laws.

It has also become evident that the national food law, while not perfect in all its provisions, was nevertheless destined to become THE MODEL FOOD LAW, and one after which the various states of the union might follow and decisions under it form the basis for decisions under similar state food laws throughout the union.

There is a sentiment abroad in the land that the enactment of these national and state food laws will bring about an immediate "pure food millennium," and I will say to all those who cherish these views that they are likely to meet with disappointment. If the millennium in food products ever arrives it will be by the same process of all great reforms, by keeping before the people of the nation and the state the great principles involved, and what has already been accomplished in this struggle for pure food and what is sought to be accomplished. For already the enactment of these laws, national and state, has produced a marked improvement in the manufacture and sale of food products.

It cannot be doubted that with the enforcement of both national and state food laws this improvement will continue in the future and that adulterated and misbranded food products will be reduced to a minimum, but the people of the state and of the nation must bear in mind that this "pure food millennium" can never be brought about except by a unity of action and harmony in the work of enforcing these laws, for food adulteration in this country has become so entrenched that it will take a mighty struggle to suppress it, for neither the national or state food laws will, all at once, change man's nature and free him from avarice, and while these elements remain what they are the struggle for pure food and pure drink is likely to be an everlasting struggle.



## THE GUARANTY CLAUSE.

BY E. W. MAGRUDER, CHIEF CHEMIST, DEPARTMENT AGRICULTURE OF VIRGINIA.

There is no part of the food and drugs act which has been more talked about, written about, discussed and abused than the guaranty clause, except the whisky clause.

Let us see why this clause has been so discussed and abused. In Section 9 of the food and drugs act it is provided, "That no dealer shall be prosecuted under the provisions of this act if he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States from whom he purchased such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it."

This is an eminently just and fair provision and places the responsibility on the party who should bear it—the manufacturer, wholesaler, etc. For the manufacturer, etc., knows or should know whether the goods he puts up or sends out are pure or not, and at all events he is in a much better position and can find out the nature and composition of the goods much easier and more cheaply than the retailer. Then, too, the manufacturer is the one above all others who should be held to account for the goods he puts on the market. And on the other hand, it would be manifestly unjust to require every roadside storekeeper to have each variety of goods he may sell analyzed, when frequently he does not sell more than a few dollars' worth of some kinds a year.

In furtherance of this clause in the "Rules and Regulations for the enforcement of the Food and Drugs Act," it is specified how the manufacturer or dealer may assume the responsibility and relieve the retailer and amongst other methods it is provided that (b) "A general guaranty may be filed with the secretary of agriculture by the manufacturer or dealer and be given a serial number, which number shall appear on each and every package of goods sold under such guaranty with the words "Guaranteed under the Food and Drugs Act, June 30, 1906."

By thus registering a guaranty with the U. S. Dept. Agriculture and having a number assigned to it, the manufacturer can place that number on each package of his goods with the legend "Guaranteed under the Food and Drugs Act, June 30, 1906," and by this means notify all of his customers that he holds himself responsible to them for any misbranding or adulteration of such goods. By this means the manufacturer is saved the trouble of sending with each shipment of goods a separate guaranty and the dealer is saved the trouble of having always to see that this guaranty is received and the further trouble of having to keep such guaranties to be used in case of adulteration or prosecution.

This is a very good provision as it saves trouble all around, provided it is not abused, but therein comes the trouble. It has been abused most decidedly. The impression has gotten out and it has been widely circulated that "Guaranteed under the Food and Drugs Act, June 30, 1906," means that the U. S. Department of Agriculture guarantees the goods which have on them a serial number and the above legend, to be pure and without adulteration.

To such an extent has the serial number been abused that the secretary of agriculture has found it necessary to issue a decision (No. 70) on the subject warning all that "The Department of Agriculture accepts no responsibility for the guaranty which the manufacturer or dealer files"; and that it must not be stated or implied that the Department of Agriculture or the U. S. government guarantees or indorses the product to which the guaranty or serial number is attached and he further states and emphasizes it that "*The guaranty represented by the serial number is the guaranty of the manufacturer and not of the government.*"

These statements are certainly plain enough for all to understand and that too, without the possibility of a misunderstanding, provided they are seen. But therein comes the trouble. Very few, comparatively, see "Food Inspection Decision No. 70," but all see the serial number and the guaranty and all dealers see the agents selling such goods, and the agents can simply call attention to the serial number which is furnished by the U. S. Department of Agriculture and to the guaranty which is prescribed by the department to accompany the serial number and allows it to be inferred, even if they do no worse, that as the government furnished the serial number and the form of the guaranty, it likewise guarantees the product, but they do not call attention to Decision No. 70 or to the fact that the guaranty is that of the manufacturer and not that of the government. So the abuse of the serial number and guaranty is likely to continue, to a less extent it

is true, but still to a large extent, for some time to come, and many consumers will for a long time yet believe that the goods they purchase bearing the serial number and the guaranty are guaranteed to be pure by the U. S. Department of Agriculture.

The wording of the guaranty required by the Department of Agriculture is unfortunate and lends itself to the false interpretation which has been put upon it by the manufacturers and dealers. This requirement is a serial number accompanied by the phrase "Guaranteed under the Food and Drugs Act, June 30, 1906," and this question is naturally asked, guaranteed by whom? Unfortunately the guaranty does not state, but as it is guaranteed under the food and drugs act, and bears a number assigned by the Department of Agriculture,



E. W. MAGRUDER,  
Chief Chemist, Department of Agriculture of Virginia.

it can therefore be easily inferred that it is guaranteed by the Department of Agriculture which has in charge the enforcement of that act.

If the phraseology of the guaranty were changed only slightly I believe all trouble would be avoided and the possibility of a misunderstanding be done away with. The change that I would suggest is that the guaranty be put in such a form as to make the responsibility rest on the manufacturer, and that by reading the guaranty, the person giving the guaranty would be stated in such a manner that there could be no misunderstanding. I would suggest the following as a form that would be suitable and relieve all ambiguity. Following the serial number have "Guaranteed by the undersigned under the Food and Drugs Act, June 30, 1906," and then would follow the name and address of the manufacturer, wholesaler, jobber, or whoever guarantees the article. Then if the question as to who guaranteed the article were asked, the answer would be plain enough, "The Undersigned," and the name of the undersigned would be there to bear the responsibility, and it would not be possible to shift it to any one else.

I am not wedded to the above phrase as any order which clearly places the responsibility for the guaranty would suit me as well. "We the undersigned guarantee the within substances under the Food and Drugs Act, June 30, 1906," followed by the name and address of the guarantor might be better, but the first form given is shorter and perfectly plain so I would prefer it.



Such an expression, I think, gentlemen, would obviate all trouble, therefore let the guaranty read thus:

No. 1.

Guaranteed by the undersigned under the Food and Drugs Act, June 30, 1906.

Blanks & Co., Richmond, Va.

Such a form would in my opinion do away entirely with the abuse of the guaranty clause.

## NOTES ON THE NATIONAL SPICE STANDARDS.

BY WILLIAM FREAR.

As the title of this paper indicates, it is not my purpose to give, at this time, a complete discussion of this schedule of standards, but merely to discuss briefly a few points which correspondence has suggested as of special interest, either with respect to the history of the development of the standards or with respect to problems now confronting manufacturers and control officers.

Before entering upon the discussion of details, mention should be made of a few matters pertaining to the schedule as a whole.

Let me say, in the first place, that the chief credit for the formation of the standards should be given to Dr. A. L. Winton, who consented to act for the committee as referee on a group of subjects of which spices formed a part. The standards suggested by him were printed in the report of the Connecticut Agricultural Experiment Station, for 1898, and were, in most details, adopted without modification by the committee.

Among the suggestions formulated by the committee for the guidance of the respective referees, one stated that "the work is designed to represent goods on sale on the American markets. It is therefore, desired that the representations be based upon analyses of American goods." The referee found that the adulterants commonly used in Europe were quite different from those usually employed in America. Moreover, since each country tends to draw its supplies from certain producing sources, and since owing to varietal differences in plants, and to differences in climate, culture and methods of preparation for market, spices of the same species, but of different origin, exhibit considerable dissimilarities in composition, the analytical data obtained in the examination of the spice products that represent imports of one country afford no satisfactory basis for standards to be used in lands which take their spice supplies from regions not duly represented in the analyses already made. It was furthermore observed that the methods of analysis used by different investigators exhibited little uniformity, and that the components whose kind or quality served as the basis of judging the standard quality of a spice in Europe, were often other than those selected by American analysts for the same purpose. For all of these reasons, the referee, while duly regarding the high value of the data gathered, and of the standards formulated by Hanausek, and later embodied, with some modifications, in the Codex Alimentarius Austriacus, felt it necessary to rely chiefly upon American analyses. Of these, however, there were few, Richardson's work in the United States Department of Agriculture affording the sole contribution to the subject.

Consequently, Dr. Winton himself drew over one hundred samples of whole spices directly from the unbroken import packages, and analyzed them in the laboratory of the Connecticut Experiment Station. The analytical results, incorporated in the report before mentioned, were supplemented by twenty-seven additional analyses in 1899, and by occasional later examinations made at the request of the committee.

In the formulation of the definitions, not only European authorities, but also American, were consulted, especially the United States Pharmacopœia.

The referee proposed no generic definition for spices, but suggested that it would be desirable to predicate certain qualities for them as a group. It is true that the spices fall into the same group not because of any close relationship of the individual spices to one another, but because of certain similarities in quality that lead to a likeness in use. They do not, for example, severally bear to spices as a whole the relation of origin which the several milk products bear to milk or which the several fruit products bear to fruits, neither do they possess the common quality of like preparation which binds the several sirups to the generic substance, "sirup."

It was, nevertheless, decided in order to avoid the repetition of certain specifications of quality with each of the several standards for the individual spices, that a generic standard for spices should be given, including a definition for the term

"spices" and the specification of the following qualities as essential to a standard spice.

First, that it should not have been treated in any manner so as to remove any of the volatile oil or other flavoring principle. This was of course intended to prevent the substitution of spent spices for the normal article, and is in conformity with the food and drugs act, of June 30, 1906, Section 7, the third clause relative to the adulteration of food, which declares that a food shall be deemed to be adulterated "if any valuable constituent of the article has been wholly or in part abstracted."

Second, that it should be clean. The word "clean" was used to express briefly the suggestion made by the referee in the following terms: "They must be as free as possible from sand, dust, stems, and similar impurities which are liable to become mixed with the products in small amounts during the process of collection or preparation." It was, however, intended to exclude any undue quantity or kind of impurity that might gain admission or be added during the manufacture of marketing of the product. It was recognized that the customary methods of collection and preparation make it impracticable to wholly prevent the presence of some impurities such as dust, and such as clove stems in cloves, but it was the intention to guard against the undue increase of such impurities whether from carelessness in manufacture or by fraudulent addition.

Third, that they should be sound. The term "sound" is used here as elsewhere in the standards, to indicate a normality of material with respect to freedom from decay, mold, or insect attack or contamination. While the terms employed are definite, and in a sense, absolute, it was not supposed that in the application of the standards, the control officer would be relieved from the responsibility of using the discretion necessary to determine how rigorously these specifications of the standard should be interpreted.

In the fourth place, a spice should be true to name. This qualification requires no comment.

In most of the schedules, the individual standards have been very carefully connected with the corresponding basic or generic standard by a repetition of the basic or generic name in each of the individual standards. This was intended to bring more certainly to the attention of all those who might have occasion to interpret the standards, all of the essential parts thereof. The individual spice standards did not, however, lend themselves readily to the insertion of the generic term "spices" or "spice." It was therefore concluded not to attempt the coupling in this manner of specific and generic standards in this schedule, but to depend upon its position in the general group of standards as the sufficient indication that the qualities given in the generic standard are essential qualities of the individual standard spice.

We may note as of some interest the general scope of the spice schedule with respect to the number and kind of species included. The earliest edition of the Bavarian Vereinbarungen mentioned only eight spices; the Austrian Codex mentioned thirty-six; the German Vereinbarungen mentioned twenty-five, while our own national schedule mentions thirty-nine, including certain ground preparations as distinguished from the whole spice, a distinction that was likewise recognized in the enumeration of the standards in the other lists mentioned. The American standards not represented in the other lists are those for cassia buds, celery seed, cumin seed, dill seed, horseradish, Macassar and Bombay maces, prepared mustard, Macassar nutmeg, and long pepper. The German list includes cardamoms and both the Austrian and German lists include vanilla. Cardamoms were omitted from the American list because of the fact that they are probably not used in American food preparation. Vanilla, considered as a source of vanilla sugar, might well have been included in our list, but came under consideration almost exclusively as the raw material for vanilla extract, and was for this reason omitted.

With reference to the qualities mentioned in these standards: In the organization of the work on standards, a preference was expressed for the indication, so far as practicable, of standard quality in terms of the constituents to whose presence the article owes its food value, rather than for the expression of standard quality in terms of constituents and properties that have no direct relation to the usefulness of the article.

This principle of formulation has, however, been very frequently set to one side. The original plans contemplated a much more extensive description of the properties of the several foods than the conditions developing during the progress



of our work have permitted. It became necessary to make sure that as far as possible those points of description were included that afford the readiest judgment with respect to the normality of the food in question, or of the nature and extent of its adulteration. It was recognized that in the examination of spices, the microscope is the most useful aid in the discovery and determination of the nature of an adulteration, and that chemical analysis is more frequently useful to determine the quantity rather than the nature of the adulterant. For these reasons, the standards very rarely fix a minimum for the active principle. Permit me to state, however, that, in my judgment, a careful study of the variations in quantity of the aromatic principles in spices of the various species, varieties and preparations would result in a contribution of high value to the control officer, for he is constantly confronted with the problem of detecting that kind of adulteration which con-



WILLIAM FREAR,  
Chemist, Pennsylvania Food Commission.

sists in the removal of part or all of the chiefly valuable constituent of a spice. Such a removal is not detected readily by microscopic examination and is shown by an unusual elevation of the other constituents of the spice only when the quantity of the active principle removed is sufficient to form quite a large fraction of the entire spice. In the majority of cases, the total quantity of the active principle in the normal spice is too small to permit detection by such consequent change of proportion, though it is true that the methods of abstraction employed, sometimes lead to the removal also of other constituents whose change in proportion affords the means of proving the fact of the abstraction of the valuable principle, even though it affords no exact measure of the degree of such abstraction.

I would not imply that the omission from these standards of limits for the active principles leave the public analyst entirely without authoritative sources of information respecting the quantities of these constituents to be found in spices of average quality. The compilations of the United States Dispensatory and of the United States Pharmacopœia, the limits of the German Vereinbarungen and of the Austrian Codex, and the statements in such private works as "The Volatile Oils" by Gildemeister & Hoffmann and the semi-annual reports of Schimmel & Co. will, in most cases, enable the analyst to judge whether a very extensive removal of the active principle of a spice has occurred. It must be conceded, however, that there are many gaps in our information; for example, the writer has not found a satisfactory series of determinations of the amount of alcohol extractives in the various kinds of ginger.

It may be of interest in this connection to say that the scientific authorities just named were largely consulted in the preparation of standards for flavoring extracts.

Some properties of the active principles of many of the spices are expressed by limits for a number of essential oils corresponding to the flavoring extracts prepared from certain of the spices, such as anise, celery seed, cinnamon, cloves, nutmeg, etc.

Having dwelt upon some points pertaining to the schedule

in general, permit me now to call your attention to a few matters relating to standards for individual spices. The definitions for black and white pepper respectively indicate that the former is the dried *immature* berry of *Piper nigrum* L., while the white pepper is the dried *mature* berry of the same plant from which the outer coating or the outer and inner coatings have been removed. This distinction between the two sorts of pepper involves not only the difference in respect to the presence or absence of the coatings, but also with respect to maturity. The description of black pepper as the dried, unripe berry, is practically universal in authorities upon this subject. The Austrian Codex describes white pepper as the white berries of the pepper tree softened in water, then dried and deprived of their external coats. The German Vereinbarungen describes white pepper as the dried ripe fruit, freed from the outer portion of the fruit shell. The following statement, however, is added: "But to-day white pepper is also largely prepared by the shelling of black pepper either by the wet way (softening the grains in sea water, lime water, or ordinary water, and rubbing off the shells by hand); or in the dry way, by putting it through special shellers.

Koenig in his compendious work on foods, also recognizes this method of preparing so-called white pepper. By neither of the authorities last named, is the practice just described adversely commented upon.

In this connection, it may be of interest to note that in pepper milling, the first portion of the pepper meal running from the mill is about as white as ordinary white pepper. The successive fractions grow constantly darker to the end of the run. Through the courtesy of Mr. E. R. Durkee, the writer was supplied with representative samples coming from two runs of Acheen C and Lampong peppers respectively. The first running was represented by five samples; the second, by seven. These were analyzed under the writer's direction by Mr. H. L. Wilson.\* It was found that the amounts of ash in the first four portions of the Acheen C meal were virtually the same, but that the quantity was increased by nearly one per cent in the last fraction. In like manner, the first five fractions of the Lampong pepper were very similar in ash content, while the last two fractions were much higher. On the other hand, the ash insoluble in acid was much more abundant in the first four portions of the Acheen C pepper

\*See report of the Pennsylvania Experiment Station, 1903-4, pp. 138-9.

and the first five portions of the Lampong pepper, and the alkalinity of the ash was much less in the earlier than in the very last fractions of the meal, so that the separation of tissues that occurs during grinding is not like that secured by the ordinary methods of preparing white pepper, except as regards the light color of the first runs from the pepper mill. The analytical qualities of the two products are widely different.

In connection with the pepper standard there were but two points with respect to which many criticisms and suggestions developed. There were some very urgent but not widely representative pleas that the standard for black pepper be so phrased as not to exclude added pepper hulls. The plea was made on the theory that the hulls being a part of the pepper grain and having spice value were properly to be regarded as "pepper."

This contention was of course to be considered on a par with a request that the addition of wheat bran to graham flour or skimmed milk to milk be allowed as not affecting the standard quality of the graham flour or milk. It was furthermore clear that owing to the low spice value of pepper hulls, their addition to the product obtained by grinding black pepper, results in reducing or lowering the spice strength, and probably in otherwise injuriously affecting the quality of the pepper; and that, therefore, such addition must be viewed as an adulteration under the terms of Section 7 of the Food and Drugs Act of June 30, 1906.

The second point of criticism on the subject of black pepper related to the maximum limit specified for ash. The referee's recommendations were for total ash 6.50 per cent, and for ash insoluble in phosphoric acid, 2 per cent. The Bavarian Vereinbarungen for 1885 likewise fixed 6.50 per cent as the maximum for total ash; the Austrian Codex made this limit 5.00 per cent, and the German Vereinbarungen, 7 per cent. For ash insoluble in hydrochloric acid, the maximum limits proposed by Dr. Winton were the same as those given in the Austrian Codex and the German Vereinbarungen. The point made in the criticism was that while the total ash limit of 6.50 per cent, undoubtedly was sufficiently liberal in the case of most



black pepper varieties, there were nevertheless certain varieties that constituted an important part of the pepper imports of the United States which were in danger of frequent exclusion from the country because of this ash limit. It was urged that as the spice value of the varieties in question, particularly Acheen C, was really quite high, it would be better to raise the ash limit sufficiently to permit the import of such pepper.

Before deciding upon the point in question, a conference was had with representatives of a number of the larger spice grinding establishments of the country. It developed that in reality, the variety of black pepper known as Acheen, grade C, was the only black pepper about which much solicitude was felt. The representatives of the standards committee made the following inquiries: Does this variety of pepper constitute a very important element of American pepper imports? The reply was that the present importation of Acheen C, as shown by brokers' certificates, which were submitted to the committee, constituted about 16 to 20 per cent of the entire pepper imports of the port of New York.

It was then asked whether some other source of supply furnishing a cleaner pepper might not be chosen. The reply was that the consumption of pepper is increasing faster than the supply, and that if we were to exclude this variety, it would mean a material increase in the cost of pepper. It was then asked whether it would not be practicable to insist upon a better preparation of the pepper prior to its exportation from the country of production. The reply was that the district of Acheen is a semi-civilized, nominal dependency of the Dutch, and that the Amsterdam buyers have made efforts to secure an improvement in the methods of production, but without avail; that the high ash content shown by many of these peppers is due to two facts: First, that the berries are harvested in an unusually immature stage of development in which the coatings with their higher ash content form an unusually large proportion of the entire berry; second, that for the drying of the berries, the method was to place them upon mats, or even upon the ground, and dry in the sun, and that, consequently, a large proportion of clay and dust unavoidably attached itself to the very deeply wrinkled surface of these unusually immature berries. It was furthermore stated that most of the New York imports are bought through London, and that the London spice dealers regarded the Acheen pepper according to the size of the berry, the very smallest grades being denominated D and shot Acheen, which probably required no special consideration. In the process of grading, the dust was largely removed, but as a result of the attrition during the journey from London to New York, a large additional quantity of dust was formed, consisting chiefly of particles of the brittle outer coating of the berries, but that notwithstanding the facts above mentioned, a high ash content frequently remained.

It was then asked whether it would not be practicable to clean the berries before subjecting them to the milling process. The reply was that it was customary to screen them and to remove the dust as far as practicable by the use of a blower, but that this variety of pepper was far more brittle than, for example, the heavy Singapore berries, and would not stand the brushing process.

Samples were drawn by the committee's representatives from unbroken packages of Acheen C pepper. Samples drawn by Dr. Winton from packages in the warehouses of three different importers showed respectively 5.40, 6.26 and 5.83 per cent of total ash; a sample taken by the writer, 5.39 per cent; two earlier analyses made by Winton, Ogden and Mitchell showed 6.10 and 6.35 per cent, and two made in 1903 by Mr. R. E. Doolittle showed 8.00 and 8.04 per cent. It was the judgment of the committee that the limits of 6.50 per cent would be exceeded in comparatively few cases.

Considering the effect of the Acheen C upon the ground pepper stock of the country, it was recognized that the majority of brands of ground spices were really mixtures of several varieties of spices, the practice of mixing being used to secure slight differences in flavor, and also to secure different gradations of cost. An inquiry was made, however, to ascertain whether in the present practice, Acheen C pepper was ever ground for sale unmixed. The result of the inquiry developed the fact that it was not, but that pepper grinders desired to remain free to avail themselves of the opportunity of preparing such a ground pepper should the market conditions make it desirable. In view of all these facts and especially in view of the fact that the standard adopted must apply both to the whole spice as it is imported as well as to the ground spice found in the retail trade, it was decided to in-

crease the maximum ash limit to 7 per cent, the amount fixed in the German Vereinbarungen.

Another matter of interest developed in connection with the standards for the commercial food products prepared from various species of capsicum. The Austrian Codex had defined paprika as the powder obtained from the ripe fruits of various large fruited capsicums, especially *C. longum* D. C., and *C. annum* L. This definition indicates that the entire fruit is used in the preparation of the product and this further appears from the statement in the histological description which forms a part of the section on paprika; namely, that the powder consists of the tissues of the fruit epidermis, ovaries and seeds. The Codex also defines cayenne pepper as the powdered fruits of small fruited capsicums, especially *C. fastigiatum* D. C., *C. frutescens* L., *C. baccatum* L., etc. (A note, by the way, adds that American cayenne pepper is a mixture of cereal flour, cayenne pepper and water, which has been baked and ground.) The descriptive note adds that cayenne pepper has a lighter tint and sharper flavor than paprika.

The German Vereinbarungen defined paprika as the dried, ripe berry fruits of several species of capsicum, especially *C. annum* L., and *longum* D. C. It adds, "as cayenne pepper, occur in commerce, the powdered fruits of other, especially small fruited species of capsicums (*C. fastigiatum* D. C.). Paprika varieties have lighter (rose paprika) or darker colors, according as the red fruit shells are taken as free as possible from the inner parts of the berry, or not." Most Hungarian writers in describing paprika, which is very extensively prepared in that country, specify that the seeds shall be excluded. The referee in his recommendations defined cayenne pepper, cayenne, red pepper, synonymously as "the dried, ripe fruit of *Capsicum fastigiatum* D. C., *Capsicum frutescens* L., *Capsicum baccatum* L., or some other small fruited species of capsicum," while paprika was defined as "the dried, ripe fruit of *Capsicum aroma* L., *Capsicum longum* D. C., or some other large fruited species of capsicum." So that the recommendations followed most exactly the form adopted in the Austrian Codex. Further study of the subject led the committee to believe, however, that paprika should not include the seeds and stems of the large fruited capsicums without special mention of the fact. The standard was therefore so framed as to exclude them.

Considerable correspondence was received, calling attention to the fact that many new capsicums are being imported that do not easily fall into the two categories above defined, especially certain large fruited peppers of bright red color, considerable strength, and delicate flavor imported from Japan; also, large peppers coming from the Niger river and from India that are so pungent that on the score of strength they would be classed as cayenne. The Japan pepper is said to be especially valuable for mixing with Zanzibar peppers which are quite dull in color. Moreover, in Louisiana, there is being cultivated a large pepper of very great strength, beautiful color and fine flavor, which, because of its strength, would not class readily as paprika. It was further urged that such large peppers as the Mexican sweet chili should not be sold as paprika. After full consideration of the difficulties of the situation, it was decided to recommend a separate standard for "red pepper," so that under this name, the red, dried, ripe fruit of any species of capsicum might be sold, while the terms cayenne pepper and paprika were confined to the products prepared from small fruited and large fruited capsicums respectively. It has been urged that there should be no prohibition against the artificial coloring of capsicum products that are of high quality in all other respects save that of brightness. The standards committee has been obliged, however, to regard all additions of this kind as abnormal. Whether they may be made without violation of the law is a question to be determined by the provisions of the national food and drugs act.

The standard for mace recognizes as properly salable under that name, the seed mantle of Banda and Java mace exclusively. In this respect, our standards are like those of Austria and Germany. There was considerable urgency on the part of a few spice dealers to have the standard extended so as to include the corresponding products Macassar or Papua mace and Bombay mace, the former of which does possess considerable spiciness (distinct, however, from that of the Banda mace), while the latter has very little spice quality. Those who urged the recognition of these products last named, stated that while they do not possess such quality as would lead to their use unmixed, they are valuable in producing certain blends of flavor and aroma that are agreeable to many palates, and that the effect of the admixed Papua



and Bombay mace is not simply to diminish the strength of the Banda flavor but to introduce certain desirable shades of effect which cannot be secured by any other addition. These mixtures, it was claimed, are especially employed in the preparation of various sauces and pickles. The judgment of the committee was that since this use forms but a very small fraction of the total uses to which this spice is put, it would not be wise to bring the majority of consumers into danger of being supplied without notice with an inferior product, when the mixture exceptionally employed can be marketed under its true designation as a mixture of Banda and Macassar or Bombay maces; that is to say, if the mixture has for certain purposes, a value superior to that of the Banda mace alone, there can be no disadvantage in the dealer's offering it for that purpose under a designation which clearly makes known the composition of the mixture. The standard for mace therefore retained its original form, and separate standards for the Macassar and Bombay maces were included.

The maximum limit for ash in cinnamon and cassia was the subject of considerable suggestion. Careful study of the results of analyses of authentic samples of whole spices did not indicate that the 8 per cent limit originally proposed was too narrow, but, instead, that if it erred in any direction, it was too liberal. On the occasion of the conference relative to ash in Acheen C pepper, the attention of the committee's representatives was called to the fact that the ash maximum for cinnamon might exclude broken cassia. Broken cassia would, of course, not have its ash content raised simply by the breaking, but only because this cinnamon, which comes chiefly from China, is very carelessly handled, and frequently loaded with impurities; thus, one of Winton's earlier analyses of an impure broken cassia showed 20 per cent of ash, while the coarser portion of the sample yielded less than 6 per cent and of the fine portion of the sample, over 34 per cent. It has seemed to the committee unwise to allow products of such impurity to appear upon the market under the name applied to the standard product. In fact, at the last revision of the standards, the committee moved in precisely the opposite direction, and reduced the maximum ash limit to 6 per cent instead of eight, the figure previously given both in our standards and in those of Austria and Germany.

At the same time that the change was made in the ash limit for cinnamon, the same change was made in the maximum ash limit for ginger which had first been set at 8 per cent for unlimed ginger. A study of the ginger imports has led to the conclusion that the ash limit first adopted was encouraging the importation of poorly prepared material, and also was encouraging the adulteration of ground ginger by the admixture of earthy impurities.

It is possible of course that the limit may have been set a little too low. The writer has carefully classified the analyses reported by Koenig for gingers of known purity, and has found that excluding the limed ginger samples, eighty samples contained ash as follows: Four per cent of the samples, from 2 to 3 per cent of ash; 43 per cent of the samples, from 3 to 4 per cent of ash; 30 per cent of the samples, from 4 to 5 per cent of ash; 15 per cent of the samples, from 5 to 6 per cent of ash; 6 per cent of the samples, from 6 to 7 per cent of ash; 1 per cent, from 7 to 8 per cent of ash, and 1 per cent of the samples, upwards of 8 per cent.

Recent series of analyses of American brands of ground ginger are showing a large proportion of samples with ash limits between 6 and 7 per cent. What the reason for this may be, is not clear, but it is probable that the matter deserves further investigation.

### CAPERS.

Capers are the unexpanded flower buds of *Capparis spinosa*. The caper plant is a trailing shrub, belonging to the Mediterranean region, resembling in habit the common bramble and having handsome flowers of a pinkish white, with four petals and numerous long, tassel-like stamens. The leaves are simple and ovate, with spiny stipules. The plant is cultivated in Sicily and the south of France. In commerce, capers are valued according to the period at which the buds are gathered and preserved. The first are the young, tender buds, called "nonpareil," after which, gradually increasing in size and lessening in value, come "superfine," "fine," "capucin" and "capot." They possess valuable stimulant, acid and antiscorbutic properties similar to the *Cruciferae*. Capers are prepared with vinegar for use as a pickle.

## NATIONAL CONSUMERS' LEAGUE WORD FOR UNIFORM FOOD LAWS.

BY ALICE LAKEY.

Chairman Food Committee, National Consumers' League.

Address delivered at Jamestown, July 19, at the eleventh annual convention of the Association of State and National Food and Dairy Departments:

Mr. President: It affords me great pleasure to represent the food committee of the National Consumers' League at this convention of national and state food officials. We regard it as an honor to be asked again for a word as to our work. In January, 1907, the food committee was reorganized. It now has, in addition to the executive board, consisting of the chairman and Mrs. Florence Kelley, Mrs. Robert McVickar, H. Holbrook Curtis, M. D., James B. Reynolds, Louis L. Seaman, M. D., E. E. Slosson, Ph. D., Champe S. Andrews, counsel, John Martin, secretary and treasurer, an advisory board of twenty-four men, mostly food officials, representing seventeen states, and a general committee of forty-four women, representing thirty-three states. The committee has outlined a plan of work as follows:

1. To help secure annually the appropriation of a sufficient sum by Congress for the enforcement of the federal pure food and meat inspection laws.

2. To help secure the enactment of model and uniform state food laws, and the establishment of adequate food standards and definitions.

3. To help secure the administration of the state laws, and especially the publication in each state of a monthly bulletin showing in detail the work of enforcement.

4. To work specifically to secure a supply of clean, pure milk in every state.

5. To secure sanitary conditions in connection with the manufacture, storage and sale of all food products.

6. To urge consumers to study labels and to refuse to buy products condemned by official chemists.

7. To secure the protection of the health and welfare of employees in all establishments for the manufacture of food products.

Which, briefly summarized, means working to aid both national and state officials in their fight for food reform. As an instance, it may be cited that we co-operated with the People's Lobby and the National Health Defense League and helped to kill the Tawney amendment to the agricultural appropriations bill. It is a self evident fact that the food law and the meat inspection law can never be fully enforced until there is in every home an alert, conscientious consumer co-operating in the work of enforcement. To-day one cause of poor food is the average consumer's indifference. Not only is this consumer indifferent to the necessity of clean milk and wholesome meat, but he too often roundly denounces the new food laws as the cause of his increased living expenses. He is apt to overlook the fact that clean milk and wholesome meat mean a lowered death rate, hence less expense for physicians' fees.

What can be done to rouse this apathetic, indifferent consumer, who cares for nothing unless his pocketbook is affected? When Mr. Dick was asked what should be done with little David Copperfield, he said:

"Wash him."

Let us say of the consumer:

"Educate him."

The farmers and milkmen supplying New York city with milk have been lately passing through a strenuous period of education, owing to the controversy on pasteurized or non-pasteurized milk. Happily the victory was won for clean milk through the efforts of the milk committee of New York and no milk will now be pasteurized unless it is unsafe to use it raw. The city Board of Health has asked for \$175,000 to improve the work of inspection. Many consumers of New York have also learned something of the importance of clean milk during this controversy, but to the average consumer clean milk still means "dear milk," and he will continue to so regard it until he is more fully educated.

Four years ago a milk crusade was started in a New Jersey town. The state inspector found seven polluted wells supplying local dairies with water; also one herd of tuberculous cattle. The cows were killed, new wells dug. What happened? Did the grateful consumer thank the leaders of the crusade? On the contrary, they were roundly denounced for the increased price of milk. Had the consumers been educated and known that polluted wells may mean typhoid and other ills, they might have been less indignant.



We may now change the pronoun and say of the consumer that *she* should be instructed how to care for milk after it comes into the home. What good to enforce an ordinance compelling the dairyman to keep his milk at a certain low temperature when the careless consumer leaves it uncovered in a warm kitchen or unchilled ice box? Why go to the expense of enforcing public ordinances for the care of milk when the average consumer handles it as she would potatoes? The thoughtless consumer appropriates the poor milkman's bottles at all times of the year and uses them for all sorts of things. One thrifty consumer has been known to use the bottles for catsup containers when putting up the autumn tomatoes. Can we not have a defense of the milkman who to-day is paying an increased price for cattle feed and is frequently unable to induce the consumer to allow him an increased price for milk.

Let me suggest to you a simple means of giving this average consumer kindergarten instruction in the care of milk. Let a leaflet be prepared entitled "Ten Milk Commandments," and issued to milkmen for distribution to consumers. The average consumer's education might be helped. The average consumer is not yet awake to the fact that tuberculosis may be conveyed to human beings through both dirty milk and meat that is diseased. At one of the stock yards in New Jersey, where federal inspectors are maintained, cattle that are rejected because tubercular have been bought by a local dealer, killed and sold for food. One dealer in this diseased meat sold it in five stalls in a New York market. The active work done by the New Jersey State Board of Health has now closed out his trade.

The speaker recently accompanied the state inspector of New Jersey on a tour of inspection of certain dairies and slaughter houses in the state. The places where federal inspection was maintained, with one exception, were conducted with all due regard for the laws of sanitation. This one exception was a hog slaughtering place, and the proprietor has been reported by the state inspector as maintaining a nuisance. As to the dairies, they were with two exceptions horribly dirty. The stables were low, dark, damp places and the cows' feet in one place showed that the animals were never exercised. There is no need of describing these conditions to you. But the consumers would willingly pay for clean milk if once they saw how unclean milk was produced.

This tour of inspection showed up another industry—namely: the fattening of old cows, kept in dark, dirty sheds, on garbage collected from New York hotels. This refuse is cooked in great vats. The fat is skimmed off and sold to the soap man, while the residue is fed to the poor cows. When they are fat enough to be sold they are bought by butchers in New York and Jersey City and sold for food. One cow was found lying in the yard dead. The woman to whom the cow belonged, when asked about her death, said:

"She died this morning from lung trouble. She was all right last night."

Mr. Champe Andrews, counsel for the committee, is to have this case investigated, as the diseased meat is sold in New York. He has also taken up another case for the committee. It was reported that tuberculous cows have been bought in New York state, and, as they could not be killed there, shipped alive into New Jersey, there killed and sent into the New York market.

These facts are nothing new to you, but I have cited them to give force to the appeal to you not only to help educate the consumers as to the importance of clean milk and safe meat, but to indicate to them that they can only be certain of obtaining these necessities by co-operating with you and securing in every state both ante-mortem and post-mortem inspection of all meat and sanitary inspection for all slaughter houses in every state.

Mr. George McGuire, state food inspector of New Jersey, suggests that local slaughter houses might be limited to a certain number in each county where state inspection could be maintained. He also suggests that a state could limit ports of entry for cattle to certain towns where strict inspection could be made of all cattle sent into the state. By this means not only the meat but the milk supply of the state would be partially safeguarded from the dangers of tuberculosis. Many states are erecting expensive sanatoria, where tuberculous patients may be cared for. Why not cut off two channels of infection by excluding diseased animals from the state?

One of the most forcible arguments for rigid inspection of local slaughter houses is afforded by the Massachusetts Bulletin for September, 1906. Dr. Harrington reports the examin-

ing of 190 small slaughter houses in that state. Where conditions were very bad these places were indicated only by number. Out of the 190 over 120 were so named!

The need of such inspection would seem self evident, and yet there are but three states in the union with specific laws for the sanitary inspection of slaughter houses. These three are Alabama, Michigan and South Dakota. The District of Columbia has such a law, also Porto Rico. But no other states, according to the laws published in Bulletin 69 of the Department of Agriculture.

An attempt made by the food committee to secure a slaughter house inspection bill for the state of New Jersey has



MISS ALICE E. LAKEY.

failed. This state has a law that provides only for the inspection of slaughter houses where horses are slaughtered for food. Bulletin 69 is full of other interesting facts.

Only twenty-eight states have a specific statute prohibiting the sale of diseased meat. In Maryland the law provides that "no person shall kill for human food or shall carry or offer to carry to any butcher or slaughter house 'any animal that is so far disabled by sickness as to be unable to walk.'" While in Virginia, if diseased meat is sold to the customer without informing him, the seller shall be fined and put in jail. In Iowa the law states that lard made from swine dying of disease must have this fact stated on the cask or other containers. If not sold in a container the customer must be told the fact. Nearly all the states have laws prohibiting the sale of immature veal, and yet, as you all know, *bob veal* is in every market, sometimes masquerading as *chicken*.

Do these facts not show that every state needs to amend its food laws? Science tells us to-day that tuberculosis may be carried to human beings by means of infected milk and meat. Is this not another argument for increased inspection of cattle? To the objection as to expense, let us for a moment consider a few facts. Tuberculosis costs this country now \$300,000,000 annually. It has a death rate of one to three for white people and one to two for negroes. Pennsylvania has just appropriated one million dollars to be expended during



the next two years in relieving tuberculosis cases among the poor. With preventive measures in full force tuberculosis can be conquered. Will not prevention be cheaper in the end?

Will not this body of state and national officials use its influence to help in prevention by securing state inspection of cattle, slaughter houses and meat? Why are so many consumers acceding to the demands of the meat trust by paying increased prices for meat? Because such meat bears the stamp of the federal inspector and the consumer has been educated by the public press to believe that such meat is safe. Many consumers refuse all meat not so labeled. Cannot the states give consumers a label on state meat that shall be equally reassuring?

The food committee of the National Consumers' League has been asked to submit suggestions for a model food law. The matter was placed in the hands of a committee. They report that they have not yet been able to prepare the draft of a model law. They will do so later. It is evidently only a question of time when the states must adopt uniform laws, not alone for all manufactured foods, but for milk and meat.

The food committee of the league is pledged to work for the cause of uniform state food laws, and there is no swifter, surer method of bringing this about than by educating the consumer. Already is he being enlightened as to the danger of using milk from tuberculous cows and meat from diseased animals. When fully educated he will demand protection by the state from the danger of infected food, as he now does from contagious diseases.

Every state should have a separate meat inspection law, so drafted as to cover slaughter houses and everything that pertains to the meat business. This separate act could be modeled after the national meat inspection law.

Mr. George McCabe, solicitor of the board of food and drug inspection at Washington, writes as follows:

"From a careful observation of the workings of the national meat inspection law I see no reason why it should not be adapted to the needs of the state. One of the most important requirements of a state meat inspection law, however, I would consider to be a provision for a system of ambulant inspectors, such as they have in Germany."

One of the new plans of the food committee is the organizing of a state food committee of the Consumers' League of New Jersey. The specific work at first will be directed towards arousing the consumer as to the perils of dirty milk, filthy slaughter houses and diseased meat. If the movement succeeds in New Jersey it will be tried in other states.

Do you not think that this aroused consumer will secure the passage and enforcement of a law that failed to pass at the last session of the New Jersey legislature—namely: a law to provide for slaughter house inspection?

It is in this way that the committee hopes to arouse consumers, and it is to you that they look for inspiration and guidance. The one central thought dominating the food committee of the National Consumers' League is co-operation with the food officials in their work for food reform, which must include uniform food laws, a work that should begin and end with the consumer.

Whatever the consumers unite in demanding will in time be granted. The pure food revolution begun by the passage of the food and drug act will be completed when the consumer is enlightened as to what is in food, under what sanitary conditions the food was produced and where the food was produced, and where the food was stored and sold.

Lincoln said with public sentiment nothing can fail, without it nothing can succeed. If the food officials of this country will continue their uplifting work for the education of the consumer, they will arouse a public sentiment that nothing can withstand.

### STRICT INTERPRETATION.

A number of small North Delaware street girls had opened a lemonade stand at the edge of the curb. The drink was in a large glass pitcher with sliced lemons floating appetizingly at the top. One small girl, with a red crayon, had lettered the word "artificial" and leaned it against the pitcher.

"What's that for?" inquired a passerby.

"Pure food law," said the girls in chorus.

"But why should you label it? Are not the water, the lemons and the sugar pure?"

"Yes."

"Well, what's artificial about it?"

"The ice."—Indianapolis News.

### PROCEEDINGS OF THE ST. PAUL MEETING.

At a meeting of the commissioners of North and South Dakota, Minnesota, Wisconsin, Iowa and Illinois, for the purpose of adopting a label which would be recognized as legal in all these states, the resolutions included in the minutes which follow were unanimously passed. The forms of label therein given are not necessarily required by any one state but goods so labeled will pass in each of the six states above mentioned if so labeled.

10 A. M., Ryan Hotel, St. Paul, Minn.,  
September 17, 1907.

Meeting of the Commissioners of the Northwest States.

Commissioners present:

E. F. Ladd, North Dakota.

J. Q. Emery, Wisconsin.

E. K. Slater, Minnesota.

A. H. Wheaton, South Dakota.

A. H. Jones, Illinois.

H. R. Wright, Iowa.

Assistant Commissioners present:

H. E. Schuknecht, Illinois.

John McCabe, Minnesota.

Chemists present:

R. Fischer, Wisconsin.

J. H. Shepherd, South Dakota.

Julius Hortvet, Minnesota.

T. J. Bryan, Illinois.

U. S. Chemists present:

A. S. Mitchell, St. Paul.

A. L. Winton, Chicago, Illinois.

Mr. E. F. Ladd was elected chairman; H. R. Wright, secretary. The following resolutions were unanimously adopted:

*Resolved*, That no artificial color shall be permitted in vanilla extract.

*Resolved*, That vanilla extract complying with the standards of U. S. Circular 19, and containing not less than 40 per cent of alcohol by volume, may be sold if the face label on both carton and bottle contains the following information:

First, Net weight or measure.

Second, Brand or trade-mark (optional).

Third, "Vanilla extract."

Fourth, Percentage of alcohol by volume.

Fifth, The true name and business address of the manufacturer.

September 17th, 1907, 2 P. M.

*Resolved*, That the terms extract, flavor, flavoring, spirits, essence and tincture, as applied to solutions used for flavoring food products are held to be synonymous, but the use of any term in lieu of the word "extract" is deprecated as applied to flavoring solutions made from an aromatic plant or part of the plant.

*Resolved*, That any other flavoring extract recognized in U. S. circular No. 19 and complying with the standard laid down in that circular and free from artificial color, may be sold if the face label on both bottle and carton, contain the following information:

First, Net weight or measure.

Second, Brand or trade-mark (optional).

Third, Name of extract as recognized in Circular 19.

Fourth, Percentage of alcohol by volume.

Fifth, The true name and business address of the manufacturer.



*Resolved*, That the use of alum or any other aluminum compound in prepared fruits, vegetables and condiments, is injurious to health and unnecessary and should be prohibited.

*Resolved*, That compound jellies, jams and preserves containing glucose, cane sugar and fruit, may be sold if labeled:

First, Net weight or measure.

Second, Brand or trade-mark (optional).

Third, The word "compound," followed by the names and percentages of the ingredients and then with the word "jelly," "jam" or "preserve" as the case may be, thus:

Compound—30 per cent glucose, 20 per cent cane syrup, 30 per cent currants, 20 per cent apple. Jelly.

Fourth, The true name and business address of the manufacturer.

*Resolved*, That in compound jellies, jams and preserves, before-mentioned, no starch, gelatin, gum, added acid, artificial coloring matter, artificial sweetener, or preservative will be permitted.

Wednesday, September 18, 1907.

*Resolved*, That catsups, conforming to the standards laid down in U. S. Circular 19, including freedom from artificial coloring matter and fillers, may be lawfully sold. After December 1, 1908, the sale of catsup containing preservatives except those mentioned in the standards will be contested.

*Resolved*, That edible oils and fats, complying with the U. S. Circular 19 may be sold under the names there given. The name "salad oil" is not recognized as a descriptive or distinctive name for a simple oil and its use as such is not approved. Mixtures of edible oils intended for salad purposes may be sold as "salad oil" (a compound), provided the names and proportionate amounts of the ingredients are plainly stated on the main label in the order of their predominance. Example:

First, Net weight or measure.

Second, Brand or trade-mark (optional).

Third, Name, e. g.—Salad Oil (a compound), Composed of 60 per cent Cottonseed Oil, 20 per cent Peanut Oil, 20 per cent Sesame Oil.

Fourth, The true name and business address of the manufacturer.

*Resolved*, That the sale of soda fountain syrups and crushed fruits, containing any preservative other than sugar will be contested after December 1, 1908.

*Resolved*, That the addition of color to any vinegar constitutes an adulteration whether declared on the label or not.

*Resolved*, That solutions of artificial substances used for flavoring and made to resemble the flavor of pineapple, strawberry, raspberry, banana, blackberry, etc., may be sold as "artificial pineapple flavor," "artificial strawberry flavor," etc., if free from artificial coloring and if the label contain no statement or design whereby the purchaser may be misled into believing them prepared from the natural fruits, and if the true extract cannot be made from the plant or part of the plant.

*Resolved*, That such terms as "Extra Quality," "First Quality," etc., as applied to food products, be deemed a misbranding unless the quality of the goods corresponds to the terms used.

*Resolved*, That the terms "double," "triple," etc., as applied to flavoring extracts, be held to mean respectively two or three times the minimum strength

required by the standard as given in U. S. Circular No. 19.

*Resolved, further*, That the term "concentrated," as applied to flavoring extracts is false and misleading.

*Resolved*, That solutions of coumarin and vanillin will be passed in the states here represented as properly labeled as to the name of the product, if they contain no artificial color and if labeled with the name or names of the flavoring principle or principles, together with the word "flavor," as "vanillin flavor" or "coumarin and vanillin flavor," etc., as the case may be.

*Resolved*, That a copy of the minutes of the meeting be submitted to the food commissioner of each state not here represented, with the request that he subscribe thereto in case goods so labeled would pass as properly branded in his state.

## NEW RULING UNDER FOOD LAW.

### Application of Wholesale Grocers for Extension of Time on Labels Refused.

"When the rules and regulations for the enforcement of the Food and Drugs Act were issued by the three secretaries on October 16, 1906, one of the regulations (17-I) provided that any labels printed and on hand on that day which did not contain a misstatement as to character of contents but which were not in strict compliance with other requirements of the regulations, might be used without fear of prosecution until October 1, 1907.

"Recently the National Wholesale Grocers' Association and individual wholesalers and jobbers throughout the United States, requested the Board of Food and Drug Inspection to recommend to the three secretaries the extension of the privilege until October 1, 1908.

"After a careful consideration of the matter the board has unanimously decided to refuse to recommend such an extension. It is the opinion of the members of the board that sufficient time has elapsed for manufacturers, jobbers and wholesalers to adjust their business affairs to the terms of the law and of the regulations.

"It is apparent, from the letters received by the board, that the general impression exists that the use of corrected labels will not be permitted after October 1, 1907. This is an erroneous impression, and is evidently gathered from the wording of regulation 17 (1) and more particularly from food inspection decision 43, which stated that on and after October 1, 1907, the labels must be originally properly printed. This statement was advisory and conveyed a warning that further extension of the privilege need not be asked. It is desirable, of course, both from the standpoint of the government officials who have charge of the enforcement of the law, and from the viewpoint of the manufacturers, that the labels should be correct as originally printed.

"Any person has a right to use a label which is not false or deceptive in any particular, even though this result is arrived at through the use of stickers, erasures or other suitable means. Attention, however, is directed to the fact that misleading and deceptive statements must be obliterated. In other words, it is not sufficient, in the opinion of the board, that a deceptive statement should be allowed to remain on one portion of the label with a corrective statement upon another portion of the label."



## THE POLICE POWER—ITS IMPORTANCE AND DEVELOPMENT.

Concerning the police power Chancellor Kent said: "The maxim of law is that a private mischief is to be endured rather than a public inconvenience."<sup>1</sup>

Blackstone defines the public police and economy as "the due regulation and domestic order of the kingdom, whereby the inhabitants of a state, like members of a well governed family, are bound to conform their general behavior to the rules of propriety, good neighborhood, and good manners, and to be decent, industrious and inoffensive in their respective stations."<sup>2</sup>

A concise modern definition is as follows: "The police power in its broadest acceptation means the general power of the government to preserve and promote the general welfare by prohibiting all things hurtful to the comfort, safety and welfare of society and establishing such rules and regulations for the conduct of all persons and the use and management of all property as may be conducive to the public interest."<sup>3</sup>

The real object of the police power, and that indeed which in its broad sense includes every instance of its exercise, is

parent that any *proper* exercise of it by the state cannot come in conflict with the provisions of the constitution of the United States."<sup>1</sup>

This sovereign right of police was never surrendered by the states to the federal government.<sup>2</sup>

All property is held subject to those general police regulations which are necessary to the common good and general welfare. Rights of property like all other social and conventional rights are subject to such reasonable limitations in their enjoyment as shall prevent them from being injurious, and to such reasonable restraints and regulations established by law as the legislature under the governing and controlling power vested in it by the constitution may think necessary and expedient. It is much easier to perceive and realize the existence and sources of this power than to mark its boundaries, or prescribe limits to its exercise.<sup>3</sup>

<sup>1</sup>Cooley's Const. Lim. 5th ed. 709.

<sup>2</sup>Plumley vs. Massachusetts, 155 U. S. 461.

<sup>3</sup>Commonwealth vs. Alger, 7 Cush. 53.

The framers of the constitution of South Dakota, in section 1 of article 17, realizing the importance of this power, provided: "The exercise of the police power of the state shall never be abridged or so construed as to permit corporations to conduct their business in such manner as to infringe the equal rights of individuals or the general well being of the state." This right of sovereignty, however, undoubtedly existed regardless of this provision.

It might be imagined from the comprehensive definitions of the police power given by the courts and text writers in some instances, that practically all legislation came within its purview; but the distinction is that the police power is designed to protect the rights of the public and it is only properly applicable to legislation of that character. It is true that in protecting the public rights this power is often invoked to regulate contracts between, and associations of, persons or corporations; but the reason for thus invoking this power is because the public good requires it, e. g., in the case of contracts or combinations in restraint of trade, to increase the price of public commodities, to destroy competition, or when otherwise inimical to public welfare. However, the basis for exercising this power is and must be for the protection of society, and in order to sustain the validity of such laws it must appear that the statute in question has some reasonable connection with the protection of society and tends to the accomplishment of such purpose and that it was not merely enacted in the guise of a police regulation while in fact for private or ulterior purposes.

As stated by Mr. Justice Harlan, laws passed in the exercise of the police power will be upheld where "enacted in good faith, and which have appropriate and direct connection with the protection of life, health and prosperity which each state owes to its citizens."<sup>1</sup> It has been extended to cover cases of fraud and deception, to the regulation of warehouse and railway rates (to the extent that they are not confiscatory), to the labeling of articles of food and articles in common use,<sup>2</sup> and as was well said by one court,<sup>3</sup> "There is also a common assent that the legislature has the right of control

<sup>1</sup>Patterson vs. Kentucky, 97 U. S. 501, (21:1115.)

<sup>2</sup>Potapso Guano Co. vs. Board of Agriculture, 171 U. S. 345, (43:191.)

<sup>3</sup>In re Ten Hour Law for Street Railway Corporations, (R. I.) 61 L. R. A. 612.

in all matters affecting public safety, health and welfare, on the ground that these are within the indefinable but unquestioned purview of what is known as the police power. It is indefinable, because none can foresee the ever-changing conditions which may call for its exercise; and it is unquestioned because it is a necessary function of government to provide for the safety and welfare of the people. Private rights are often involved in its exercise, but a law is not on that account rendered invalid or unconstitutional. The first inquiry is whether the subject of the law is within the power; for, if it is, the legislature has jurisdiction to enact it, and its terms are subject to a reasonable legislative discretion."

Referring to the extent the courts will go in determining whether a legislature has exceeded its police power, Mr. Justice Brewer speaking for the court, said: "It is also a maxim of constitutional law that a legislature is presumed to have acted within constitutional limits, upon full knowledge of the facts, and with the purpose of promoting the interests of the people as a whole; and the courts will not lightly hold that an act duly passed by the legislature was one in the enactment of which it has transcended its power."<sup>1</sup> In other words, it is generally held that if a state of facts could exist which would justify the legislation it is presumed that it did exist.



HON. PHILO C. HALL, M. C.

the securing of general welfare, comfort and convenience of the citizen."<sup>4</sup>

This power resides in the several states, and neither the power itself nor the discretion to exercise it as occasion may require, can be bartered away or abridged by the state, nor taken away from it, either wholly or in part, by the legislation of congress.

<sup>12</sup> Kent's Comm. 338.

<sup>24</sup> Blackstone's Comm. 162.

<sup>322</sup> Ency. Law, 916, and cases in note 2.

<sup>417</sup> Ency. Law, 927.

"All that the federal authority can do is to see that the states do not, under cover of this power, invade the sphere of national sovereignty, obstruct or impede the exercise of any authority which the constitution has confided to the nation, or deprive any citizen of rights guaranteed by the federal constitution. \* \* \* But any accurate statement of the theory upon which the police power rests will render it ap-



"The courts will never set up their judgment against that of the legislature and hold a police law invalid unless it is clearly so as having no reasonable tendency to accomplish the desired end."<sup>2</sup>

<sup>1</sup>Atchison, T. & S. F. R. Co. vs. Mathews, 174 U. S. 96.

<sup>2</sup>State vs. Mrozinski, (Minn.) 61 N. W. 560.

The question of the right of a state to enact a given statute under its police power arises where the complaint is made that some constitutional right, either federal or state, has been invaded by such legislation. One of the constitutional provisions most frequently invoked by persons attacking the validity of such statutes, is that the act applies to subjects of interstate commerce and therefore, under the provisions of section 8 of article 1 of the federal constitution, giving to congress exclusive power "to regulate commerce with foreign nations and among the several states and with the Indian tribes," the state has no authority to enact such law. The attitude of the United States Supreme Court, however, upon this question has been very positively and clearly defined and I can probably best illustrate the extent to which it recognizes the validity of such state legislation by calling attention to the following cases concerning the subject of oleomargarine, which is generally conceded to be an article of commerce not injurious to health, *but which may be the subject of fraud and deception*.

Pennsylvania passed a statute *absolutely prohibiting* the manufacture and sale of oleomargarine within the state. In the case of Powell vs. Pennsylvania,<sup>1</sup> this act was sustained, that being a case involving only the manufacture and sale of oleomargarine *within* the state and not involving any interstate transaction. Subsequently in the Schollenberger case this statute was held to be in conflict with said clause in the federal constitution, that being a case where interstate commerce was involved, and the statute *absolutely prohibiting* the sale of all oleomargarine. In the opinion delivered by Mr. Justice Peckham the court in the latter case said: "The bad article may be prohibited, but not the pure and healthy one. In the execution of its police powers we admit the right of the state to enact such legislation as it may deem proper, even in regard to articles of interstate commerce, *for the purpose of preventing fraud or deception* in the sale of any commodity and to the extent that it may be fairly necessary to prevent the introduction or sale of an adulterated article within the limits of the state. But in carrying out its purposes the state *cannot absolutely prohibit* the introduction within the state of an article of commerce like pure oleomargarine."<sup>2</sup>

<sup>1</sup>Powell vs. Pennsylvania, 127 U. S. 678, (32:253.)

<sup>2</sup>Schollenberger vs. Pennsylvania, 171 U. S. 1. (43:49).

<sup>3</sup>Plumley vs. Massachusetts, 155 U. S. 473, (39:27).

In the case of Plumley vs. Massachusetts,<sup>3</sup> was involved the question of the validity of a statute of Massachusetts prohibiting the manufacture or sale within the state of oleomargarine *made in imitation of butter*. In this case the party attacking the statute contended that the act was in violation of the interstate commerce clause, and the question of interstate commerce was necessarily involved by the facts in the case. The court held the act to be valid and not repugnant to this clause or any other provision in the federal constitution, and on the other hand, that it was a proper exercise of the police powers of the state, even though applied to articles of interstate commerce, because the act was not an absolute prohibition of the sale of oleomargarine, but discriminated so as to exclude only that which might be a subject of fraud and deception; and in the course of the opinion delivered by Mr. Justice Harlan, after reviewing exhaustively previous decisions of the court, it is said: "And yet it is supposed that the owners of a compound which has been put in a condition to cheat the public into believing that it is a particular article of food in daily use and eagerly sought by people in every condition of life, are protected by the constitution in making a sale of it against the will of the state in which it is offered for sale, because of the circumstance that it is in an original package, and has become a subject of ordinary traffic. We are unwilling to accept this rule. We are of the opinion that it is within the power of a state to exclude from its markets any compound manufactured in another state, which has been artificially colored or adulterated so as to cause it to look like an article of food in general use, and the sale of which may, by reason of such coloration or adulteration, cheat the general public into purchasing that which they may not intend to buy. The constitution of the United States does not secure to any one the privilege of defrauding the public. The deception against which the statute of Massachusetts is aimed is an offense against society; and the states are as competent to protect their people against such offenses or wrongs as they are to protect them against crimes or wrongs of more serious char-

acter. And this protection may be given without violating any right secured by the national constitution, and without infringing the authority of the general government. A state enactment forbidding the sale of deceitful imitations of articles of food in general use among the people does not abridge any privilege secured to citizens of the United States, nor, in any just sense, interfere with the freedom of commerce among the several states. It is legislation which 'can be most advantageously exercised by the states themselves.' Gibbons vs. Ogden, 22 U. S. 9 Wheat. 203, 6. L. ed. 71."

It will be noted therefore that the Pennsylvania statute was sustained by the United States Supreme Court so far as it related to goods manufactured and sold within the state, but was held invalid so far as interstate commerce was concerned, because of its absolute prohibition of the sale of oleomargarine within the state. The Massachusetts statute, however, which prohibited the sale of oleomargarine "made in imitation of butter" was sustained by that court, not only as to goods manufactured and sold within the state, but also where the goods were manufactured in and shipped from another state to Massachusetts, the determining difference being that in the Pennsylvania statute there was an *absolute prohibition* of the sale of all oleomargarine, and the Massachusetts statute only prohibited its sale where it was made *in imitation of butter*, and therefore a subject of fraud and deception.

A phrase frequently used by the United States Supreme Court and which was recently used in the case of Crossman vs. Lurman,<sup>1</sup> (wherein a statute of New York was sustained prohibiting the coloring, coating or polishing of food products to conceal their inferiority), is: "The constitution of the United States does not secure to any one the privilege of defrauding the public."

Many cases have been decided by the United States Supreme Court in some of which statutes have been sustained, and others held invalid, under the interstate commerce clause; but wherever the statutes in question were reasonably designed to protect the people of the state in some of their natural rights above mentioned and had some reasonable connection therewith, and further where they did not absolutely prohibit the importation and sale of articles of commerce not hurtful or

<sup>1</sup>Crossman vs. Lurman, 192 U. S. 189.

fraudulent, but merely imposed reasonable regulations intended to secure the people in their health or from fraud and deception, they have been uniformly sustained.

I will not in this paper undertake to touch upon the various phases of the right to exercise the police power by the federal government or by the states in regulating rates for transportation companies, in the sale of intoxicating liquors, the regulation of certain occupations, the right to prescribe labels for foods, etc., as it would require too much space to do so satisfactorily, but will simply add in this connection the following language of the United States Supreme Court:<sup>1</sup> "In conferring upon congress the regulation of commerce, it was never intended to cut the states off from legislation on all subjects relating to the health, life and safety of their citizens, though the legislation might indirectly affect the commerce of the country. Legislation, in a great variety of ways, may affect commerce and persons engaged in it without constituting a regulation of it within the meaning of the constitution. \* \* \* And it may be said generally, that the legislation of a state, not directed against commerce or any of its regulations, but relating to the rights, duties and liabilities of citizens, and only indirectly and remotely affecting the operations of commerce, is of obligatory force upon citizens within its territorial jurisdiction, whether on land or water, or engaged in commerce, foreign or interstate, or in any other pursuit." And again that court said:<sup>2</sup> "Legislation may, in a great variety of ways, affect commerce and persons engaged in it without constituting a regulation of it within the meaning of the constitution."

<sup>1</sup>Sherlock vs. Alling, 93 U. S. 99, 103.

<sup>2</sup>Hall vs. DeCuir, 95 U. S. 485, 24 L. ed. 547.

Other constitutional provisions frequently invoked against these statutes are those of the Fourteenth Amendment to the federal constitution and similar provisions of state constitutions providing that "No state shall make or enforce any law which shall abridge the privileges or immunities of the citizens of the United States, nor shall any state deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws." It is well known that "equal protection of the laws" is not denied by a law or course of procedure which would have applied to any other person in the state under similar circumstances and conditions,<sup>1</sup> and that whenever



the law operates alike on persons or property similarly situated, equal protection cannot be said to be denied.<sup>2</sup> The right to carry on a particular business, occupation or calling and the correlative right of contract are not rights guaranteed by the Fourteenth Amendment against the exercise of the police power of a state.<sup>3</sup> The Fourteenth Amendment to the constitution of the United States and the clause thereof providing that "No state shall deprive any person of life, liberty or property without due process of law," was not intended to and does not make any change in respect to the police power of the states.<sup>4</sup>

A statute of Illinois regulating warehouses and charges for storage was sustained by the United States Supreme Court in the case of *Munn vs. People*,<sup>5</sup> and in that case Chief Justice

<sup>1</sup>*Tinsley vs. Anderson*, 171 U. S. 101, 43 L. ed. 91. *Lowe vs. Kansas*, 163 U. S. 81, 41 L. ed. 78.

<sup>2</sup>*Walsten vs. Rouch*, 128 U. S. 578, 32 L. ed. 544.

<sup>3</sup>*Muggler vs. Kansas*, 123 U. S. 623; *Slaughter House Cases*, 16 Wall. 36; *Holden vs. Hardy*, 169 U. S. 366; *Potapscio Guano Co. vs. Bd. Agriculture*, 171 U. S. 345.

<sup>4</sup>*Slaughter House Cases*, 16 Wall. 36; *Powell vs. Penn.* 127 U. S. 678, 32 L. ed. 255; *Railway Co. vs. Beckwith*, 129 U. S. 26, 32 L. ed. 283; *Giozza vs. Tierman*, 148 U. S. 657; *Hooper vs. California*, 155 U. S. 648; *Holden vs. Hardy*, 169 U. S. 366.

<sup>5</sup>*Munn vs. People*, 94 U. S. 113, 24 L. ed. 77.

Waite, rendering the opinion, said: "Property does become clothed with a public interest when used in a manner to make it of public consequence and affect the community at large. When, therefore, one devotes his property to a use in which the public has an interest, he, in effect, grants to the public an interest in that use, and must submit to be controlled by the public for the common good, to the extent of the interest he has thus created. He may withdraw his grant by discontinuing the use; but, so long as he maintains the use, he must submit to the control. \* \* \* But we need not go further. Enough has already been said to show that, when private property is devoted to a public use, it is subject to public regulation."

The case last mentioned was cited with approval by Mr. Justice Shiras in the case of *Brass vs. North Dakota*,<sup>1</sup> involving a statute of the state of North Dakota regulating warehouses and charges for storage, and said statute was sustained as against the contention that it was in conflict with the above mentioned provisions of section 8, article 1, and also the 14th amendment of the federal constitution.

Neither can a person acquire a vested right to continue in any business which subsequently becomes the subject of regulation by statute of the state or ordinance of the municipality in which the business is conducted. A foreign insurance company does not acquire any vested rights, by complying with the existing police regulations and comity laws, which cannot be affected by subsequent changes in such regulations or laws,<sup>2</sup> and the same rule has been applied to other occupations and lines of business.<sup>3</sup>

Notwithstanding the fact that the United States Supreme Court as we have seen, concedes to the several states the right, in the exercise of this power, to regulate the sale of articles of interstate commerce for the protection of the public health and against fraud,<sup>4</sup> yet congress has also exercised that

<sup>1</sup>*Brass vs. North Dakota*, 153 U. S. 391, 38 L. ed. 757.

<sup>2</sup>*Missouri vs. Fireman's Fund Ins. Co.*, 45 L. R. A. 363; See, also, *Connecticut L. Ins. Co. vs. Spratley*, 172 U. S. 602; *Daggs vs. Orient Ins. Co.*, 136 Mo. 382, 35 L. R. A. 226. The latter case was thereafter appealed to the U. S. Supreme Court and affirmed in *Orient Ins. Co. vs. Daggs*, 172 U. S. 557.

<sup>3</sup>*Baibier vs. Connolly*, 113 U. S. 27, 28, L. ed. 823; *Buttsfield vs. Stranahan*, 192 U. S., 470.

<sup>4</sup>*Plumley vs. Massachusetts*, supra; *Crossman vs. Lurman*, supra.

right by the enactment of legislation designed to accomplish the same results, but applied exclusively to articles of interstate commerce. Although this sovereign right of police power was never surrendered by the states to the federal government, it does not necessarily follow that the federal government cannot by proper legislation also exercise the police power within the limits of its enumerated or implied powers under the federal constitution, and properly understood and regulated the co-ordinate existence of the right to exercise this power by both the states and the federal government should tend to co-operation and give additional strength and force to this power rather than lead to conflict between the two forms of government.

In the matter of transportation, congress has enacted statutes regulating the transportation of passengers and property and rates and charges therefor; but in the amendment of June 29th, 1906, is found the following provision: "Provided, however, that the provisions of this act shall not apply to the transportation of passengers or property or to the receiving, delivering, storage or handling of property wholly within one

state and not shipped to or from a foreign country from or to any state or territory as aforesaid."

Therefore it appears that so far as some subjects are concerned; for example, articles of commerce which are deleterious to health or the subjects of fraud and deception, the state has the exclusive right to legislate concerning articles which are not the subjects of interstate commerce; and further where the article is a subject of interstate commerce the right of the state and of the federal government to enact and enforce legislation is concurrent, and might by analogy be compared with the right of the federal government, the state and municipality to concurrently prescribe regulations and enforce licenses for the sale of intoxicating liquors.

In the matter of transportation companies, as distinguished from articles of commerce, the federal government exercises the exclusive right to regulate them so far as interstate matters are concerned, leaving to the several states the right to legislate where the transportation of passengers or property is confined to the state, or from one point in the state to another point therein.

The reason why the concurrent right exists to regulate the sale of articles of interstate commerce by both state and federal legislation, but the right to regulate interstate transportation exists exclusively in congress, is probably to be found in the fact that subjects of commerce may be the subjects of fraud and deception, dangerous or deleterious to health, whereas in the case of transportation companies such objections would not exist, the legislation pertaining more especially to rates of transportation.

In addition to the exercise of the police power by the federal and state governments, municipalities, as we all know, also possess and exercise police powers in the enactment of ordinances covering various subjects, such as licenses for hackmen, draymen, saloons, and various other occupations and pursuits, and otherwise in providing regulations for the protection of the public health and safety.

That authority exists, therefore, for exercising the police power by the enactment of laws by the federal government and states, and ordinances by municipalities, within the proper spheres of their jurisdiction, without necessarily conflicting one with the other, is a natural and logical conclusion, and compliance with all of them may be required and punishment for the violation of each imposed.

The strides which have been taken, both legislative and judicial, during the last decade, toward the protection of the public from unwholesome foods, frauds and impositions in articles in common use, whether food-stuffs or not, and in protecting the public against improper and monopolistic combinations of persons and corporations and extortionate rates and unjust discriminations at the hands of public carriers and warehousemen, evinces a disposition on the part of the law-making bodies and courts to keep pace with the times. This is an encouraging and healthy condition of affairs and is in harmony with the spirit of our popular form of government designed by the framers of the federal constitution to "promote the general welfare."

We look with pride and approval upon the advancement in the arts and sciences and the development and growth of our commercial and industrial interests, but at the same time we must remember that in the race for supremacy and wealth, barriers must be erected against the employment of dangerous, unfair and illegitimate means of acquiring them, and that restraint and regulation by proper means and agencies must be provided to insure "fair play" between human cupidity and the public. Time and experience alone can determine the best methods,—those which shall prevent the evils and at the same time not destroy the fruits of industry, genius and capital. It should not be our desire to cut down the tree of prosperity, but to so prune it that it shall be symmetrical.

This tendency of the courts to keep abreast of the times is well stated by one court as follows:<sup>1</sup> "The (police) power being such an important and comprehensive one its application must be special and allowed to expand and take in new subjects from time to time as trade and business advance and new conditions arise."

New uses and applications of electricity, steam and other methods of producing power, labor saving devices, new schemes for perpetrating fraud or deceiving the public, new lines of business or methods of conducting the same, must be met and regulated by appropriate legislation for the protection of society. New subjects for the application of the police power are being discovered daily and still new ones are certain to arise in the future. The boundaries of its exercise must of necessity be flexible. The authority of the govern-



ments, both federal and state, to meet and justly settle the perplexing problems arising out of conflicts between capital and labor, the watering of stock and other abuses by corporations, and similar questions, lies in this right of sovereignty, the police power.

<sup>1</sup>Harbinson vs. Knoxville, 103 Tenn. 421, affirmed in 183 U. S. 13.

If I may be permitted to indulge in a prophecy I would say that the progress along this line in the last decade will be surpassed in the next, because the rapid advancement along all lines makes it clear to me that the exigencies of the times will certainly require it.

Not only the contending parties, but also the general public have an interest in many of the controversies between employers and employees where they affect commerce, transportation or commodities in common use. The public are also interested in the conduct of corporations, the manner of issuing stocks and bonds and the bases thereof. It is not only interested because it purchases stock in such corporations, but also for the purpose of taxation and as a basis for fixing rates of transportation. The public has the right to know whether the stock and bonds are issued upon valuations which are exaggerated and fictitious, or whether such values are actual and physical ones. With the large increase in population and commerce of the country and the number and wealth of corporations, these and similar questions wherein the public's rights are involved become augmented in importance. That the power exists to cure abuses where the public's interests are concerned can no longer be doubted. That private property (unless it is inherently vicious, as being dangerous to public health or welfare) should not be confiscated in so doing, is the counterbalance. Although the rights of the public are paramount to the rights of the individual, the latter's rights must not be ignored. An intermediate method whereby the rights of both are secured, and neither is wronged, is the course which is sought, and it is manifest, judging the future by the past, that wise, conservative, and yet progressive, statesmanship and judicial interpretation will accomplish this result, and that the development of the police power in the United States, gradual as it has been, and gradual as it must be hereafter, will nevertheless surely accomplish these great results for the welfare of society.

The general principle was laid down over two hundred years ago that when private property is "affected with a public interest it ceases to be *juris privati* only." That doctrine has since been permitted to gradually expand so as to cover a multitude of subjects that did not then exist, and it does not require a great stretch of imagination to conceive of laws in the future regulating the price of such public necessities as coal, illuminating oil, flour, etc., within reasonable limits not amounting to confiscation, if it should become necessary to do so in order to protect the public from extortion.

Within the scope of this paper I have of necessity merely endeavored to call attention to some of the more general features and important applications of this power, its great and growing importance in the light of our present advanced civilization, to the necessity for a tendency toward its wise and liberal exercise so as to keep pace with the development of our resources, advancement in the arts and sciences, the progress of our commerce, industries and conditions, and incidentally to the possibilities and probabilities of invoking this important and necessary sovereign right in the future.

(Paper delivered before the South Dakota State Bar Asso. at Pierre, Jan'y 10, 1907, by Philo Hall.)

### COMMISSIONER LADD ENJOINED.

As a result of the crusade by Food Commissioner Ladd of North Dakota against millers of that state for bleaching flour, the Russel-Miller Milling Co., and others have asked Judge Pollock of Fargo, N. D., to issue an injunction against Prof. Ladd restraining him from carrying out his proposed prohibition. A temporary injunction has been granted. The plaintiff contends that bleaching is harmless and intends to fight it out on that basis.

Send in one dollar and we will send you the American Food Journal for one year and a photograph of the 11th annual convention of The Association of State and National Food and Dairy Departments neatly framed.

### COMMISSIONER WHEATON'S PATH NOT STREWN WITH ROSES.

Commissioner Wheaton's pure food bill, which became a law three days ago, in effect prohibits the sale of patent medicines in the state by druggists. If the law is not complied with by the tenth of this month, the commissioner threatens to make some arrests. The pure food law, one of the most remarkable measures ever enacted by a legislature, forbids druggists from selling certain goods, thereby cutting off a large part of their business; forbids the people buying prepared medicines, thereby compelling them to purchase those goods outside of the state, and names the commissioner as a sort of watchdog to see that the money spent in prepared medicines is chased out of the state. If the law was enacted to aid the catalogue houses it may prove a howling success; if it was designed to injure the business of the drug stores it may accomplish its purpose. The only thing that is certain is that this law will be the means of compelling Commissioner Wheaton to earn his salary, which by the way was given a boost over the amount paid his predecessor. The druggists have no intention of obeying such an absurd law and if the commissioner carries out his threat he will get so badly tangled up in the legal battles that will follow that he will begin to think he is really earning his pay and kick himself for not demanding more.—Aberdeen (S. D.) News.

\* \* \*

### THE OTHER SIDE.

BY COMMISSIONER A. H. WHEATON.

"The enforcement of the new law will make a lot of work, and many of the druggists are kicking strenuously against it, but it is no use, and the sooner all get into line the better. Of course the law will cause some hardship until the manufacturers and jobbers get accustomed to doing business in the new way. From the conversations I have had with the druggists I believe they are willing to conform to the law and there will not be any trouble on that score.

"I think the law is all right. I think the innocent purchaser has a right to know what he is purchasing, and that is the object of the law. There are many good patent medicines, but there are many more that have no merit as medicine. It is wrong to sell them to people who do not know what is in them and who will feed them to innocent babies who cannot help themselves. They may do the child some good, or they may kill it.

"The talk about having to send out of the state for patent medicines is all nonsense. There is such an immense profit in patent medicines that the manufacturers will not pass up the trade in South Dakota. One after another they will proceed to conform to the law, and I venture to say that within a year all of them will be selling their goods in South Dakota with the formula on the label, as required by law."

### NATIONAL DRUGGISTS' ASSOCIATION ELECT OFFICERS.

The National Wholesale Druggists' Association in session in Denver Oct. 3, elected the following officers for the next year: President, Edgar D. Taylor, Richmond, Va.; First vice-president, W. C. Schurtleff, Chicago, Ill.; Secretary, Joseph E. Toms, New York.



# THE AMERICAN FOOD JOURNAL



Published Monthly at 334 Dearborn Street, Chicago  
By H. B. MEYERS & CO.  
Telephone Harrison 2473

Subscription, \$1.00 Per Year Foreign Subscription, \$1.50

Address all communications and remittances and make drafts, checks and money orders payable to THE AMERICAN FOOD JOURNAL, 334 Dearborn Street, Chicago

All reading and advertising matter to appear in THE AMERICAN FOOD JOURNAL must be received at this office on or before the 12th of the month.

COPYRIGHT, 1907, BY H. B. MEYERS.

## PRICES OF FOOD AND FOOD LAWS.

Food products of all kinds have advanced in price. The increased price has generally been ascribed to pure food laws, or to the manner of their enforcement. Is this true, and if true is it simply the penalty we pay for purity, or is it an unnecessary and unjust tax? The national food law has been in force, "*Cum Grano Salis*," in the words of Wiley, one year, but not a single prosecution has as yet been started under the act. About one-half of the states in the Union now have efficient food laws properly and energetically enforced. But one-third were passed within the last two years. The others date back a quarter of a century. These state laws, with few exceptions, are more stringent in their general provisions than the national law. Any general effect of pure food laws *per se* should have been noticed in those states having stringent food laws and also prices of food in pure food states should have been noticeably higher than prices of food in states without food laws. While there has been some tendency towards higher prices in Minnesota, North Dakota and Ohio, due to food legislation, in general, quality considered, the price of food in these states has not been higher than in Iowa and Missouri—and in fact the reverse rather has been true that the inferior substitutes in the states without public protection have sold at the price of the genuine article. The actual difference in the price of adulterated goods and pure goods, therefore, could not have been the cause of the advance in price of foodstuffs. That there has been a marked increase most pronounced within the last year is admitted. On the whole it is estimated that the advance approximates 30 per cent over last year's prices. Fruits, vegetables, milk, butter, eggs, meat, bread and canned goods all demand higher prices. The price of milk in Chicago has just been suggested by the Milk Shippers' Union, and it averages a third more to the dealer than was asked last year and almost twice as much as the lowest market quotations in years past. Butter, while naturally slightly lower in price this summer, is advancing rapidly, and the best judges say that it will reach a high water mark this winter—not less than 40c per pound wholesale. Meats have just advanced fully 20 per cent. Canned goods in some instances have increased 100 per cent. Oat meal advanced from \$6 to \$8 per barrel. Corn meal, wheat and other cereals in-

creased in slightly less proportion. Chocolate and cocoa and preparations containing them have advanced almost double. The following tables show the relative advance in the necessities of diet, but do not include the latest advance of about 20 per cent in meats.

### MEATS.

	1904. Cents.	1907. Cents.
Veal cutlets .....	16	25
Porterhouse steak .....	20	25
Leg of mutton .....	8	12½
Sirloin steak .....	18	20
Leg of lamb .....	14	16
Spring chicken .....	16	18
Prime rib roast .....	18	25

### GROCERIES.

	Sept. 30, 1900.	Sept. 30, 1907.
Cheese, best, lb. ....	11¼	14½
Cheese, medium, lb. ....	9½	12½
Butter, creamery, lb. ....	22	29½
Butter, renovated, lb. ....	15½	22
Potatoes, per bbl. ....	\$1.50	\$2.25
Onions, per bbl. ....	1.50	2.50
Turnips, per bbl. ....	75	1.50
Fowl, per lb. ....	10	14½
Peanuts, per lb. ....	4½	8
Honey, per lb. ....	10 to 15	10 to 17
Apples, per bbl. ....	75-\$2.50	1.75-4.50
Evaporated apples, lb. ....	5½	10½
Evaporated raspberries, lb....	16	35
Eggs, fancy, doz. ....	22	32
Eggs, fair, doz. ....	22	32
Eggs, western dirties ....	8	16½
Green peas, per bu. ....	\$1.25	\$2.75
Macaroni, per lb. ....	7	7½
Molasses, per gal. ....	12 to 30	19 to 48
Tapioca, per lb. ....	4	6
Apricots, per lb. ....	8½	20
Prunes, per lb. ....	4 to 7½	6 to 12
Currants (dried) ....	8	15

When we glance at the above figures we no longer wonder why the Methodist ministers want an increase in salary.

Ultimately the full advance in foodstuffs will be paid by the consumer. Now in some instances the retail grocer must stand the loss as he cannot well charge more than 10 cents for a 10-cent package, even though it costs him what he must sell it for. But the grocer cannot long continue this philanthropic policy. To meet the difficulty manufacturers are decreasing the size of the package in order to uphold the price of the retailer.

While foodstuffs are going up industrial stocks are going down. Mining stocks and securities are already in the basement, and it would seem that they could not go lower. Copper has declined within the last six months from 24c to 12c, and the bottom has not fallen out yet. Wearing apparel has advanced little if any. Fortunately wages have at least held their own and work has been plentiful, otherwise the American citizen would be compelled to subsist on rice and roots, like the Chinaman, or eat horse and dog meat like the poorer classes in Germany, Belgium and France.

If not to the difference in cost between pure and adulterated food to what may we attribute the increase in the price of food?

It has been suggested—decreased production. The



fruit crop of 1907, it is true, in many sections has been a total failure. Notably the peach crop of Michigan and the apple crop of southern Illinois. California and western lands in general have yielded their normal quota. Eastern apples have supplied the loss of the middle West. It is rare indeed that all sections of our diversified country produce a normal fruit crop.

The growing season this year has been a good one and the crops on the farm are in general abundant, and with the high price of products the farmer everywhere wears a pleasant smile. The argument that fruit being scarce cereals are consumed in larger quantity to supply the deficiency is hardly tenable, as carbohydrates cannot acceptably replace fruits in the dietary.

The high prices have again been charged to trusts and combinations. It is true that business in various channels is getting more and more into the hands of a few individuals, and conditions of trade and our laws, notably the National Food and Drugs Act and Meat Inspection Act, have a tendency to drive it in that direction by practically wiping out the small manufacturer, but the wide distribution of foodstuffs would make an artificial price in these commodities difficult, if not impossible, to maintain. Meats, the food article perhaps most completely under the control of relatively few individuals showed an advance in price last of all.

Again the advance in values of foodstuffs is not confined altogether to America. England, which has free trade and many trusts, Germany with a tariff and no trusts, and Spain without tariff or trusts, are experiencing much the same conditions as the United States.

Another factor has been named to account for the inflation of values, namely, the advance in wages and its corollary the famine in farm hands. Around Chicago, particularly in the milk supply district, it is almost impossible to obtain trustworthy help, and owners are obliged to manage their own farms through impossibility of securing reliable tenants. If this scarcity of labor is so general and pronounced that tracts of land remain untilled it would no doubt greatly increase the cost of food by limiting supply. It is doubtful if this condition really accounts for the price of food, as wages are presumed to be the last to rise—in a period of inflated values. The good demand and high price of labor, however, is really the salvation of the situation, which otherwise would be unbearable.

It cannot be denied that the so-called Food and Drugs Act *as enacted and interpreted* has advanced the price of foodstuffs. And by advance in the price of foodstuffs we mean a genuine advance, not the difference in price between compound lard and pure lard; oleomargarine and butter; colored distilled, and cider vinegar. The mere fact that the substitute is removed from competition naturally advances the price of the genuine article. And where this advance of price is based on a correct knowledge of the difference in value between the true article and substitute, the public is not imposed upon. Where, however, absolute prohibition from the market, as in the case of colored distilled vinegar; or the imposition of a practically prohibitive tax, as is the case with colored oleomargarine; or where by straining after theoretical purity, or harassing of honest business by demanding new and expensive labels unnecessary to the protection of the public, an enormous expense is entailed upon the manufacturer which the consumer must in the end pay—the cost of plain food is advancing to the price of luxuries without compensating benefits, the public is

entitled to register a complaint, and to look to the cause and the remedy.

Millions of dollars worth of labels have been destroyed during the last year, defective only in that they did not have the designated wording on the "principal label." Even more loss must have been sustained in the education of the public to new names, as "sweetened condensed milk" for "condensed milk" and "unsweetened condensed milk" or "evaporated milk" for "evaporated cream." Some of the state commissioners are too eager to exercise authority. For example, it was told us on the authority of a state chemist that the Minnesota Food Commission had caused the arrest of a party for selling a pop-corn ball because, forsooth, the ribbon tied around it was colored with a coal tar dye. This is carrying protection to the public too far into its pocketbook.

Then again the policy of those interpreting the pure food law has been to limit foods to one quality and that the best. This is a good policy for those who can afford it. It means, however, the wasting of by-products which can be made into clean, nutritious and appetizing foods, but which the public, the grocer and the manufacturer are afraid to handle or use, either because directly prohibited or because misrepresented by the nature fakers of foodstuffs. This has also boosted the price of foods out of proportion to clothing, minerals and wages.

THE AMERICAN FOOD JOURNAL does not wish to be misunderstood. Foods which are to the slightest degree harmful or deleterious to health are dear at any price. The enforcement of state and federal food laws, however, have shown that such foods are rarely met with outside of those containing preservatives and certain coal tar colors, the physiological action of which in the minute quantity in which they are used is still a matter of wide difference of opinion.

Attenuated or diluted foods are also a false economy, as one pays for the cheap dilutant, even though it be water or starch and for a larger sized can, bottle or container where a smaller size would have held all the undiluted material. Misrepresentations of all kinds are, of course, reprehensible, and a concession in price secured through deception is far less acceptable than paying an exorbitant price for the genuine article. All state and national food laws which abate these evils have our support, as also all food officials who fearlessly place them in execution. We, nevertheless, firmly believe that pandering to the pleasure of seeing one's name in print and misguided efforts to gain notoriety or popular approval by conquering evils that do not exist and killing imaginary giants for the edification of the gullible public may cost far more than the value of the penny dreadful in the increased price of foodstuffs.

#### PENNSYLVANIA NEW LAW IN EFFECT.

The new state law providing for the licensing and regulation of slaughter houses, shops, wagons and places where meats, poultry, fish and game are prepared for use as a food, stored or exposed for sale, also went into effect October 1, and there was a general scramble of dealers to get licenses from the Bureau of Health. There are 6,000 establishments in the city of Philadelphia alone affected by this new law, but not half of them have taken out certificates, which cost \$1 each. Those who have not applied for the license are open to a fine ranging from \$5 to \$100, at the option of the Bureau of Health.



### DENATURED ALCOHOL.

Denatured alcohol can now be manufactured by individuals in a small way without so much red tape as was required by former rulings of the internal revenue office. The new law which has just gone into effect allows the use in many industries forbidden in the first law passed. Another denaturant for sulphuric ether for anesthesia has been proclaimed, namely: Formula 13a, alternative: To 100 gallons of ethyl alcohol, add 10 gallons of sulphuric ether, having a specific gravity of not more than .728 at 60 degrees F.

Manufacturing chemists are now allowed to store denatured alcohol on their premises. It was foolishly contended by the Chicago Internal Revenue Office that vinegar manufacturers would have to change their vats, stills, etc., and business in this line was practically suspended for several days. Commissioner Capers, however, rules that no changes from the old methods and procedure need be made. In a more recent decision (see page 28) he takes to task over zealous and overbearing officials, incidentally giving this Chicago inspector a calling down he will probably remember as long at least as he works for Uncle Sam.

State and national food inspectors should read this decision and apply it to their own work, as it contains words of wisdom.

### INSPECTORS SHOULD FLASH STAR.

From Beaumont, Texas, as well as other places, comes the reports that federal inspectors are dropping down on drug stores and examining labels of proprietary articles and making inspections without clearly establishing their identity. While there is no reports of fictitious inspectors causing trouble or loss to merchants, clearly it is the duty of the government to require every inspector to wear a livery or star or other credentials of his authority and calling as will protect the people against imposters. In state and municipal work many grocers have been victimized by bogus officials. If it is within the province of the federal inspector to examine and otherwise inspect the broken package the dealer has a right to know whether he is granting liberties to a federal official or to a sneak thief.

### THE WORLD'S PURE FOOD EXPOSITION.

The magnitude of the World's Pure Food Exposition, to be held at the Auditorium, Chicago, grows as the date of opening draws near. The length of the exposition has been extended from Nov. 19 to 25th as originally announced to Nov. 16 to 23d.

Managing Director Thomas T. Hoyne has let the contracts for building the booths and scenic work, and it involves an outlay of over \$20,000. The exposition is the most elaborate that has ever been planned for the Coliseum and the promenade of all nations in itself will eclipse the Streets of Paris show held in the Coliseum last winter. Over 3,000 incandescent lights will be used in the decoration scheme. This does not include nearly a thousand which will stud a miniature Eiffel tower, which will rise from four booths in the center of the building to the roof.

The color scheme for the booths will be uniform and worked out in gold and white. At the end of the building there will be an enormous sunburst and a huge windmill in action.

The management expects to handle 150,000 to 200,-

000 spectators during the eight days of the exposition, and has provided sufficient aisle space for this purpose.

During the exposition lectures on cooking and other matters of utmost importance to the household, including demonstration of simple tests of the purity of foods, will be given in the Coliseum annex. Several of the committees, notably those on children's foods, of which Mrs. Monro was elected chairman, the committee on tests, on which Dr. Bryan was made chairman, and the committee on foreign exhibits, on which Mr. Henrotin was elected chairman, have met and transacted the business delegated to the different committees. The show will open with an address by Mayor Busse, preceded by a full dress parade by the commissioners.

### COMMISSIONERS INSPECTING FACTORIES.

Many of the Western State Dairy and Food Commissioners are in attendance at the National Dairy Show. An invitation has been extended to such as are in Chicago to inspect the plants of the Corn Products Co., at Davenport, Ia., and the distilleries at Peoria, Ill. This will give them an opportunity of seeing the conditions of the factory, the manner of manufacturing, and other information about foods marketed in their home state, which would not otherwise be available to them as outside of their direct supervision, unless through some questionable system of co-operation with the federal authorities. The party will start from the Rock Island Depot, Chicago, Thursday, Oct. 17, and proceed to Davenport, continuing then to Peoria, and thence to Chicago. A part of the party will then probably proceed to Ontarioville to view the plant of the Nowak Manufacturing Company, where by-products are made from milk, notably "derma ferma," used in the tanning of leather, and casein and some of its manufactured products.

### MALT EXTRACTS.

The Kansas chemists have been examining malt extracts and find few of them come up to the requirements of the United States Pharmacopœia. The alcoholic content of the malt extracts examined is given as follows:

	Per cent.
Pabst Malt .....	5.83
Schuster's Malt .....	4.30
Maltox .....	5.20
Leopold Hoff's Malt .....	6.90
Pepsotonic .....	5.51
Johann Hoff's .....	5.17
Bohemian .....	4.55
Malto-Tone .....	4.76
Malt Nutrine .....	2.24
Wyeth's Malt .....	2.47

### SULPHURING FRUIT.

The Fresno Republican credits Dr. Bigelow with a change of heart on the question of sulphuring fruit. Extensive experiments and investigations along this line have been made by Dr. Bigelow conjointly with Prof. Jaffa of the Clinical Department of the University of California and Chief Chemist Ralph Gould in charge of the local government laboratory. As a result of these investigations it is said that Dr. Bigelow on his return from Washington will report in favor of the sulphuring of fruit as now practiced in California.



## FOOD NOTES

Kansas pure food law became effective October 1.

\* \* \*

The Georgia pure food law, passed by the legislature of 1906, although operative August 1, was practically nullified to October 1 by Commissioner Hudson. It is now in full swing in Georgia.

\* \* \*

The National Poultry Association meets in Chicago October 15, and among other things will discuss state laws relating to the handling and storing of poultry and game and what regulations may properly be endorsed.

\* \* \*

Mr. O. V. Fox has been appointed an inspector in the Illinois Food Department. Mr. Fox was formerly in the employ of the A. E. & C. road, but at the time of his appointment was employed as a prescription clerk by Andres & Smith of Elgin, Ill.

\* \* \*

Georgia, Kentucky and Tennessee officials have been enjoined from enforcing the provisions of the Stock Food Act of the respective states. The Supreme Court decision in Michigan in a suit involving a similar law, as published in THE AMERICAN FOOD JOURNAL of last month, will likely put a crimp in these injunction proceedings.

\* \* \*

The National Biscuit Company are offenders in North Dakota in violating the weight law. In this instance there is no question as to the purity of their goods but Commissioner Ladd takes the stand that the big companies should obey the letter of the law in giving true weights as well as the smaller fry. The company threaten to withdraw from the state.

\* \* \*

Neville Ora Roach, three years old, of Salt Lake City, Utah, and Amelia Asti 18 years old, daughter of a well known cannery man of Santa Rosa, Cal., died within the past fortnight of ptomaine poisoning. Eighteen young women were made seriously ill at Mason City, Iowa, from the effects of eating pressed veal and scalloped salmon at a class banquet of the Christian church.

\* \* \*

Judge Cooledge of the Berrien Circuit Court recently issued an injunction restraining Dairy and Food Commissioner Bird of Michigan from publishing in bulletin that sausages manufactured by that company contain cereals. The attorney-general of the state has asked that the injunction be dissolved on the ground that it is intended to interfere with criminal prosecutions in Michigan.

\* \* \*

Covington, Ky., is to have two Pure Food Ordinances. Also a chemical and bacteriological laboratory. Cost not to exceed \$500. If the national government and the state of Kentucky cannot keep the food of Covington unpolluted it is up to the citizens and they have gone about it in a sensible way by not only passing pure food ordinances, but providing facilities for enforcement which by the way is more than can be said of many state governments.

The so-called Tustin Pure Food Law is to be tested in Pennsylvania. The particular point raised is in relation to the sale of dried peaches containing sulphurous acid. On the outcome of this case depends whether or not the \$4,000,000 worth of California peaches bought for sale by Pennsylvania merchants will be a dead loss. The first case will be tried in Altoona and the second in Clearfield.

\* \* \*

Dr. Clement S. Brinton, chief of government laboratory in Philadelphia, does not believe the new federal food law will cause a general advance in the prices of foodstuffs. He is quoted as saying: "The manufacturers who adulterate their goods with poisonous acids are greatly in the minority, and when their products are raised to the standard the prices will hardly be higher than those charged by the great number of dealers who at present place pure food on the market. Our work is distinct from that of the state, and, being subject only to the federal laws, we have to be very careful not to exceed our authority."

\* \* \*

Governor Campbell of Texas has appointed Dr. J. S. Abbott of Dallas state food commissioner of that state. Dr. Abbott is a graduate of the University of Chicago and the University of Mississippi and is said to be an experienced chemist and bacteriologist.

Dr. Abbott will not appoint his assistants for two months at least, although he will select a stenographer immediately. The headquarters of the new commission will be at Denton.

There is some inquiry why the legislature located the pure food commissioner and his department at Denton. Most people think the logical place for the department would be at Austin along with the other departments, as it will take a long time to educate the people to the fact that the institution is at Denton. The work of the department will not be heard of as it would have been if located with the other state departments.

\* \* \*

On the first of this month Commissioner Dunlap called the vinegar manufacturers and jobbers doing business in Ohio into conference and laid down the law to them. He claims much fraudulent cider vinegar is found in Ohio markets, the high price of apples sending the natural product to forty cents a gallon and therefore increasing the temptation to palm off a cheaper article on the public. In Ohio any kind of wholesome vinegar may be sold, but the label must tell what the package contains and also state the maker's name.

Those attending the conference were: The Ahlers Co., Covington, Ky., Mr. Herrick; Cruickshank Brothers Co., Allegheny, Pa., George L. Cruickshank; The Dana Canned Goods Co., Belpre, Ohio, John Dana, manager; The Harbauer-Marleau Co., Toledo, Ohio, J. H. Camp, V. P.; H. J. Heinz Company, Pittsburg, Pa., W. C. Esterline, manager Columbus branch; The Leroux Cider & Vinegar Co., Toledo, Ohio, Mr. Williams, Columbus representative; The Lippincott Company, Cincinnati, Ohio, Mr. Metzger; Lutz & Schramm Co., Allegheny, Pa., W. J. Brown, manager Columbus branch; P. H. Sugrue & Co., Cleveland, Ohio, P. H. Sugrue; Union Vinegar Co., Cincinnati, Ohio, one of firm; The J. Weller Co., Cincinnati, Ohio, not stated; The Williams Bros. Co., Detroit, Mich., Mr. Grosvenor.



**ADULTERATED FOODS, MEDICINES, PAINTS,  
ETC., FROM THE COMMISSIONERS'  
STANDPOINT.**

*To the Editor American Food Journal:* In the beginning God made the world and all that therein is contained. He made man the perfect image of himself, and every living thing, plants and herbs, perfect of its kind. The sin of man or rather the sinful propensity of man has been trying for more than two thousand years, and we know not how much longer, to divert from the natural form and character the perfect things found upon the earth. We believe that God created all the things upon the earth for the benefit of mankind, and that the animal life and the plant life of all the earth in its natural form was intended as a sufficient nourishment for mankind for all time, and that one, who was born with a good constitution, and adhered strictly to the rules laid down in the law of all laws, the Holy Bible, would live his allotted time devoid of the diseases consequent to disobeying the laws.

But as I said in the beginning man's evil propensity, inherited, so some say, by the sins of their first parents, has brought about unnatural conditions and unnatural diseases, which shorten life, dry up the blood, and cause us pain and distress through life. Man with his ever potent resourcefulness has attempted to obviate these troubles by the blending, compounding and adulterating foods, drinks, and medicines, or perhaps it may be that he has been incited to adulterations of foods for the purpose of creating more complaints that patent medicines might tend to alleviate, and thereby kill two birds with one stone.

By the adulteration of food he has been enabled to place upon the market a product which looks natural, but is produced so cheaply that the honest packer could not compete in price if he furnished the natural product. All adulterations in foods or nearly all are deleterious to health, and with our yankee ingenuity it did not take long for someone to discover that after eating cheap foods and creating unnatural diseases, that it would only take another stretch of imagination to believe that cheap concoction of drugs and herbs would relieve them from distress, and the patent medicine man was ever present with his oft repeated advertisement of a panacea for all ills to man or domestic animals.

Sharp competition and the ever potent fact that a fool is born every minute has ever been a stimulant to the sharp and unscrupulous manufacturer and dealer to supply the things which the people think they want. It has gone from foods, drinks, and medicines into paints, oils, and everything under the sun that can be substituted for the genuine and made to look real, and it may be fairly said that we are living in an artificial age.

A paint is advertised to cover more square yards than any other paint, but it lacks the body and the other elements that go to make a good article and it is cheap stuff made to resemble a well known brand. Stoves are made with twenty pounds less iron than the original patents, but they look nice and are cheap. Clothes are made to look like genuine goods, but they are composed of shoddy and are colored with coal tar dye. This substance was first discovered in coloring

goods designed for clothing, but when the test was made and proved that they would not fade, the ingenious yankee applied it to foods, candies and condiments as well.

Finally, it has become necessary for an outraged public desiring real things and real value for their money, hard earned perhaps, to get the things which they ask for and which they have a right to know are what they are represented to be. Legislatures have been memorialized, petitions have went into Congress and finally Pure Food Laws have resulted, and these laws have been extended covering not only foods, but medicines as well. All this is the result of overdoing the matter of adulteration to such an extent that it has become a menace to the general welfare of the public and finally the ax has fallen and an outraged public are not satisfied with any provisions that temporizes or postpones the execution of the law. Some innocent men must, of necessity, be injured by the enforcement of these laws because they did not know the extent to which these frauds had been carried. We are frequently astonished ourselves when we have supposedly cleaned up a certain line of goods and think we have them in compliance with the law absolutely, but upon extensive experiments and examinations we suddenly find alum in canned peas, horse radish, and even in prepared mustard dressing. The men who use this dangerous mineral in these things cannot explain why they use it. It has simply become a habit of long standing and hard to break away from and easy to fall into.

We could cite instances of the morphine habit, the cocaine habit, and other vicious habits being acquired by the use of headache drops for the alleviation of pain by the deadening of the sensitiveness of the nerves. Viewing the evil from the commissioners' standpoint, who comes in contact with all of these and many more abuses, we wonder that the people have not long before discovered that a stringent remedy should have been applied. We wonder that the people have suffered and endured these things so long, and yet our sympathy goes out to those who may innocently be affected by the provisions of a rigid law. When we consider that the milk prepared for infants is in some cases embalmed, that the wine prepared for a sick patient is not wine at all, but manufactured from drugs alcohol and water. And when we consider the inconvenience caused by the peeling off of paint from a new house, and of what it deprives the owner, because cotton seed oil being used or cheap mineral matter being used instead of white lead or zinc we do not wonder that the people are clamoring for reform, nor do we wonder that they will not permit any half way terms in the case. They feel that they have been outraged, and justly so, and they insist upon the remedy being applied.

So far as this state is concerned, the intent of our laws on the subjects are reasonable and just, and the framers of the law believed that the people had a right to know what they were buying, and so insisted upon everything being labeled truthfully just what it is. This will work a hardship upon some at first, but after we get used to being honest with ourselves and our neighbors we will live, when we look back upon the conditions that existed before the enforcement of these laws.

Yours truly,

A. H. WHEATON,  
Food and Dairy Commissioner.



### THE HONEY MAKERS.

All the honey bees in this country having originally been imported from Europe or Asia, there is no racial difference between the wild ones and the domesticated; those that live in trees are simply the descendants of those that from time to time have taken "French leave" from their owners' hives and reverted to a state of nature, according to David Almon in the October Outing.

The vast bulk of the wild bees are of the German or black race, while the standard domesticated bee is the Italian; but that, however, is only because the Germans were the first to be introduced here. Just when the Germans came is in doubt, but it was sometime in the 17th century; certainly it was not until near the close of the 18th century that any bees were found west of the Mississippi.

The Indians used to say they could mark the advance of the white man by the appearance of bees in the woods. The Italian bees were first imported in 1860. Better tempered and more industrious than the Germans, they have become very popular with apiarists; but as many still keep the German bee, and others have the hybrid formed by the crossing of the two races, while countless Italians now have taken to the woods, there to breed more hybrids, it is clear that there is no sure way of distinguishing between the wild bee and the domesticated.

### WATERED BUTTER NEXT.

Each day brings additional evidence of determination on the part of federal officers to enforce the pure food law in all its applications. One of the latest, if not the latest, of indications along this line, says the Manchester Union, is the announcement that Commissioner of Internal Revenue Capers will issue a warning to manufacturers of butter throughout the country, to the effect that, unless they refrain from making butter containing more than 16 per cent water, the special tax of \$800 a year for manufacturers of adulterated butter will be imposed on them. The announcement comes as the result of a protest of commission men and large retailers against the payment of an adulterated butter tax; their contention being that the fault was not theirs, as some of the butter which come to them from creameries contained more than the specified 16 per cent of water. The law provides that commission men who deal in butter having more than that proportion of water shall pay a tax of \$480 per annum as dealers in adulterated butter, and that retailers under the same circumstances shall pay \$48. Commissioner Capers' warning will come in the form of a circular letter.

While water can hardly be classed as a "harmful adulterant" from the point of view of pure food, the fact remains that people who buy butter and pay the prevailing prices for it are entitled to butter which is up to the standard. They can add water to suit their own tastes if the straight butter is too strong for them.

### ANALYZING PATENT "FODDER."

Pennsylvania's dairy and food commissioner has sent to a member of the faculty of the state college, a noted pure-food expert, samples of seventy-five brands of breakfast and other patent foods, for analysis. It is

naively announced that charges have been made that cornstalks are used in certain of the breakfast foods, and the skilled chemist is asked to verify this, or, at least, tell just what the alleged eatables contain.

We had almost written fodder, in view of the reference to cornstalks, but, with painful recollections of "breakfast" biscuits, upholstered with shavings, curled wood, or excelsior, that term seems almost too kindly to employ. Several excellent women, on whose opinions, as a general thing, we set great store, having highly recommended the carpenter stock, a liberal supply of the excelsior food was procured. For two mornings, in succession, the cased curlings appeared on the breakfast table, when the family rose in revolt, and the shavings were carefully conveyed to the wood-box, to be used in starting the sitting-room hearth fire, these chill evenings.

Other experiments, equally unsatisfactory, have been made, with similar stringy material, but, finding the cornstalk suggestion ever present, the family is content to return to the old-fashioned cereal products, alternating with farina and Scotch oats. It may be of interest to the general public to learn the results of Professor Frear's investigations in Pennsylvania, but we shall not wait for them. The "Parritch" of our grandsires is a fine coating for the stomach, after the sawdust and shavings diet.—Los Angeles News.

### COST OF LIVING.

The advance in the retail market price of articles of food in general use on the table of families of average means is a marked feature of the "prosperous" times in which we live to-day. This advance is seen to be great and extensive. It includes all articles, those of absolute necessity as well as those of luxury. The food of an average family to-day costs more than within the memory of the present generation. Further than this, it bears a greater ratio to the earnings of the breadwinner, the worker whose wages go to the support of the family.

Where is this advance to stop? The phenomenon which we recognize here is not peculiar to the United States. All through the civilized world the same complaint is heard. The Saxon government has recently sent out an order to the authorities of the leading cities of that state requiring them to "ascertain the causes of the continuance of high prices and to make recommendations as to the best method of bringing about a reduction of rates."

And incidentally our consul at Chemnitz, in his report to the Department of Commerce and Labor at Washington, describes some of the efforts of the people themselves to accommodate their living to the necessities of the situation.

"The growing use of the flesh of dogs as an article of food," he writes, "is worthy of note. The number of dog carcasses submitted to official inspection now amounts annually to about 5,500 in the German empire. Saxony alone reports over 2,000, and of these 940 fall to the share of Chemnitz. Horse flesh is now a standard article of consumption in Germany. About 75,000 carcasses annually are inspected for this purpose."

We have not yet reached the point where dog flesh has become a staple article in our food market. But with a continuance of the present tendency, how long before it will be quoted?—Boston Post.



## SCIENTIFIC

### THE CARBON DIOXIDE VALUE OF PURE COMPRESSED YEAST AND STARCH COMPOUNDS.

BY T. J. BRYAN.

*Illinois State Food Commission.*

In the examination of numerous samples of "compressed yeast" in this laboratory, it was found that the majority of them contained added starch. This starch was in general either potato or corn starch.

The question arose, what is the value of the pure compressed yeast to the consumer as compared to the article mixed with starch. Some preliminary experiments were made, using samples of pure compressed yeast and yeast containing corn starch as they were found on the market. In these preliminary tests the different yeast were caused to act upon a 10% sugar solution and the volumes of gas generated was measured. These results showed that the pure yeasts on the market had a greater carbon dioxide value than yeast mixed with starch. Owing to the size of the apparatus thus used in collecting and measuring the volume of the gas produced, it was thought better in succeeding experiments to determine the amount of carbon dioxide gas produced, by the loss in weight. Furthermore, because of the fact that the different yeasts thus tested were produced by different manufacturers from different cultures, it was decided that the results secured were of little value as deciding the effect of the presence of starch in compressed yeast on the amount of carbon dioxide gas produced. In the subsequent experiments it was therefore decided to secure samples of yeast from the same culture, a portion of which should be kept in the pure state, and other portions mixed with potato and corn starches.

Seventy pounds of this pure yeast were mixed with ten pounds of corn starch and sixteen pounds of water (it was found necessary to add the water to make the mixing uniform, and in order to produce a cake). To another portion of seventy pounds of yeast was added ten pounds of pure starch and nineteen pounds of water. To the remaining portion of pure yeast no water was added in the mixing. These three samples were then pressed separately and cut in one-pound cakes and the cakes before being wrapped were each dipped in water, as is the custom with the manufacturers before making packages of the yeast. These three samples were then caused to act upon 100 cc of 10% sugar solution to which 75 cc of water had been added, placed in a Erlenmeyer of about 190 cc capacity, to which a calcium chloride tube was adjusted by means of a cork, in order to prevent any loss of weight by reason of evaporation. Two grams of yeast were used in each test and each test was run in duplicate. The flasks were placed again in a box, the opening of which was covered with a towel and placed against the chimney where a temperature was maintained during these experiments varying between 20 and 30 degrees C. During the last three days' tests a section of a sectional bookcase was used to replace the box and the temperature maintained ran a little higher than on the preceding days, varying between 25 and 30 degrees C. Owing to the varying temperatures on different days only the results for the same periods on the same day are comparable. The flasks were weighed

when they had been filled with the re-agents and were weighed again each hour for ten hours and at the end of the twenty-four hours.

The following table 1 shows the average loss in weight for the periods specified. The second table shows the average per cent of loss in weight (or the percentage of the weight of carbon dioxide gas produced for the specified periods), taking the average weight of carbon dioxide produced by the pure yeast samples for each period as 100 per cent.

It will be noted that after two hours the average loss in weight of flasks containing pure yeast, with a single exception, is greater at every weighing.

The average percentages of the yield of carbon dioxide gas for 34 hours and for 6 hours, as given in table No. 2, show conclusively that the effect of starch upon the yeast is to reduce the carbon dioxide value of the same and that this reduction is greater than the proportion of the starch present to the amount of yeast used in preparing the samples.

It has been claimed by some manufacturers that it is necessary to use starch in compressed yeast in order to preserve the same. The data in table No. 2 shows that on the 14th day the value of the pure yeast is greater than on the first day as compared with the potato starch yeast mixture and corn starch yeast mixture. The differences, however, are not sufficient so that the writer would feel that the data justified a statement to the effect that the yeast containing starch had deteriorated, though the data points in that direction, and as 14 days is a longer time than compressed yeast is kept before being put on the market and used, the contention that starch is necessary to preserve yeast can be held to be absolutely false. At the present writing, 19 days after the yeast was prepared, all the samples are perfectly sweet. It was thought desirable to test the action of these different yeasts in the making of bread. The bread was made with the use of 650 grams of flour, 500 grams of water, 10 grams of yeast or yeast starch mixture, pure yeast and corn starch yeast mixture being used for comparison.

On the second day pure yeast yielded a bread having a volume of 2,225 cc; corn starch yeast mixture, bread 2,100 cc in volume.

On the fifth day pure yeast yielded bread of a volume of 2,000 cc; corn starch yeast yielded a bread 1,860 cc in volume.

On the twelfth day pure yeast yielded a bread 2,150 cc; corn starch yeast mixture bread 2,015 cc.

On the thirteenth day pure yeast yielded a bread 3,000 cc in volume and corn starch yeast mixture, bread of 2,575 cc.

On the fourteenth day the bread from the pure yeast had a volume of 2,820 cc while the corn starch yeast mixture bread had a volume of 2,650 cc. Here again from the actual baking tests it will be seen that the carbon dioxide value indication, as in the action of yeast on sugar solutions, is always in favor of the pure yeast. If the percentage difference in the size of the loaves in the different pairs be determined it will be found that the average percent difference in size is less than the average difference in loss of weight of the sugar solutions for the same periods. This is due to the fact that in the case of the bread it is only the final volumes that are compared, whereas to have the results comparable with those obtained by the action of yeast on sugar solutions it would be necessary to determine the difference in volume (for 2 gr. of yeast) between the freshly mixed bread and the final volume of the loaf.

There is much more work to be done before the action of starch in yeast will be known in all its details. The writer feels, however, that the results here given are suf-



ficient to justify the statement that starch in compressed yeast is an adulteration. The advantage to the manufacturer is easily seen when we consider that he sells starch which costs less than 3 cents per pound at the price of yeast which costs 15 cents per pound. A standard for compressed yeast that will exclude the use of added starch is most desirable. Next to the quality of the flour in importance to each of the 70,000,000 people of this country is the importance of the quality of the yeast that is mixed with the flour in the preparation of the bread.

In closing, I wish to express my thanks to Mr. A. L. Nehls and Mr. B. C. Gardner, who did much of the work in connection with the above tests, and to Mrs. Marie B. Shulda, who assisted in the baking tests.

TABLE I.

Average loss in weight in grams of sugar solution containing yeast and yeast starch mixtures.

Yeast 1 day old. 9-19-07.				Yeast 2 days old. 9-20-07.			Yeast 5 days old. 9-23-07.		
No. of Hours.	Yeast.			Yeast.			Yeast.		
	Pure Yeast.	Potato Starch Mixture.	Corn Starch Mixture.	Pure Yeast.	Potato Starch Mixture.	Corn Starch Mixture.	Pure Yeast.	Potato Starch Mixture.	Corn Starch Mixture.
1.....	.035	.012	.028	.039	.013	.019	.027	.034	.033
2.....	.081	.045	.083	.071	.042	.055	.089	.082	.091
3.....	.185	.127	.170	.193	.129	.150	.300	.246	.239
4.....	.325	.232	.268	.314	.216	.239	.404	.318	.375
5.....	.598	.413	.437	.524	.372	.360	.587	.505	.572
6.....	.770	.610	.631	.664	.495	.519	.824	.665	.754
7.....	.888	.719	.757	.849	.678	.687	.916	.753	.873
8.....	1.064	.874	.920	1.008	.819	.795	1.072	.884	.995
9.....	1.222	1.022	1.075	1.136	.914	.903	1.181	.972	1.100
10.....	1.329	1.115	1.170	1.206	1.003	1.011	2.520	2.230	2.378
24.....	2.779	2.345	2.415	2.661	2.189	2.313			
Yeast 6 days old. 9-24-07.				Yeast 7 days old. 9-25-07.			Yeast 8 days old. 9-26-07.		
1.....	.047	.051	.031	.018	.023	.037	.051	.047	.044
3.....	.163	.148	.126	.158	.120	.146	.158	.130	.127
4.....	.373	.315	.280	.268	.200	.217	.325	.233	.252
5.....	.601	.517	.452	.533	.409	.461	.525	.410	.409
6.....	.742	.616	.613	.748	.570	.645	.695	.522	.542
7.....	.982	.817	.797	.930	.710	.789	.850	.662	.683
8.....	1.098	.915	.907	1.082	.829	.915	1.025	.798	.826
9.....	1.228	1.026	1.024	1.202	.937	1.027	1.129	.878	.916
10.....				1.326	1.037	1.123	1.266	.987	1.025
24.....	2.645	2.334	2.279	2.662	2.167	2.392	2.517	2.041	2.167
Yeast 9 days old. 9-27-07.				Yeast 13 days old. 10-1-07.			Yeast 14 days old. 10-2-07.		
1.....	.034	.041	.029	.039	.039	.031	.022	.016	.019
2.....	.193	.174	.123	.199	.131	.106	.127	.086	.088
3.....	.408	.376	.332	.391	.240	.254	.279	.188	.197
4.....	.642	.558	.492	.631	.442	.458	.513	.375	.398
5.....	.813	.690	.631	.816	.593	.600	.721	.537	.564
6.....	.869	.796	.768	1.015	.750	.771	.885	.674	.707
7.....	1.119	.904	.912				1.093	.847	.883
8.....	1.323	1.055	1.043				1.218	.950	.988
9.....	1.469	1.170	1.164						
21.....				3.120	2.460	2.517			
24.....	2.970	2.522	2.392				3.134	2.546	2.655

TABLE II.

Average per cent loss in weight of sugar solutions containing yeast and yeast starch mixtures; average per cent loss of pure yeast samples taken as 100%.

For twenty-four hours.				For six hours.		
Age of Yeast in days.	Yeast.			Yeast.		
	Pure Yeast.	Potato Starch Mixture.	Corn Starch Mixture.	Pure Yeast.	Potato Starch Mixture.	Corn Starch Mixture.
1.....	100%	84.4	86.9	100%	79.2	81.9%
2.....	100	82.3	86.9	100	74.6	78.1
5.....	100	88.5	94.4	100	86.0	97.4
6.....	100	88.2	86.2	100	83.0	82.6
7.....	100	81.4	89.9	100	76.2	86.2
8.....	100	81.1	86.1	100	75.1	77.9
9.....	100	84.9	80.5	100	91.6	88.4
13.....	100	78.8	80.6	100	73.9	76.0
14.....	100	81.2	84.7	100	76.2	79.9
Averag	100	83.4	86.2	100	79.5	83.1

COPPER AND LEAD IN SODA WATER.

A recent report of Mr. C. Eastcourt, F. I. C., the public analyst for the city of Manchester, England, contains his data on an examination of eighteen samples of soda taken from the soda founts of that city. He finds that only two samples may be said to be absolutely pure. That fourteen sodas contained from 1-500th to 1-50th of a grain of copper per gallon. It is true that the minute trace of copper taken in a glass of soda might be urged by some to be injurious. But we know that the work done in recent years in the purification of water sources by the use of copper sulphate on a large scale have proven startlingly successful. We also know that the strongest solution of copper in the tested soda water was only three parts per million; while the U. S. government directs the use of one part of copper sulphate per million parts of water treated, for the removal of disease-breeding algæ from our water supplies. We also know, as a fact, that bacteriologists find that ten parts of copper sulphate per million kills the typhoid bacilli and other disease germs. From these positive facts it must be evident to anyone that the minute traces of copper sometimes found in soda water can have no injurious effect—we should better say, it fills a most important hygienic function, promoting the health of the drinkers of soda water. While we may not be willing to condone the presence of large quantities of copper in soda, we must remember that the strongest “coppered soda” of the British analyst would have to be taken in five-gallon glasses to produce any effect directly traceable to the copper.

In this connection we may be permitted to call attention to the fact that the innocuity of minute traces of copper in drinking water is not at all a recent discovery; for cistern water has been the drink of man centuries before he became addicted to soda water, and the cisterns have usually received all their waters through copper spouts, and often from copper roofs.

The analyst above mentioned found lead in two cases, one soda contained 1-50th of a grain of lead, the second three grains. However, in the last case the analyst had directed the soda clerk not to draw off the soda remaining in the pipes over night, but to give this liquid to him. This amount of lead becomes a serious matter, for it shows that the soda fount is worn out, and may cause sickness, owing to the undue amount of lead contained in the soda. Naturally, during the day the lead content would be less; still, the danger remains. It seems to us that druggists would do well to test the first soda drawn from their fount in the morning, which, of course, is always thrown away for fear of copper and lead. The copper may be detected by rendering the water strongly alkaline with ammonia, when a bluish color will be developed. The lead may be proven, if copper is absent, by the addition to the soda of some hydrogen sulphide gas, or a solution of any soluble sulphide. A brownish coloration, or a black precipitate in the bottom of the soda glass, after standing for twelve hours, will confirm the presence of lead. Any druggist finding his fount to give a reaction for lead, should have the matter looked into very carefully, as it means a worn-out apparatus.—National Druggist.



## Household Science

### THE TIN CAN.

The tin can is rightly called American. The first canning process dates back to the United States patent granted to Augustus De Heine in 1810. His method was not successful, but it led to the perfection of that which is in widest use to-day, by which fruits, vegetables, meats, fish, etc., are sealed in cans, leaving two tiny holes through which the air escapes when the can is heated. They are sealed in turn and the trick is done. Successful canning by this process was accomplished in this country as early as 1825. Soon the tin can was being utilized in important movements. When Dr. Kane's Arctic expedition set out in 1849 it carried canned goods put up in Newark, N. J., and with the gold rush to California these goods began to become staple and necessary. In 1856 a New York milkman perfected the first successful process for condensing and canning milk, and five years later, when the civil war broke out, this product became so popular in the army that his fortune was made. From that time forth the American has left a trail of tin cans in all his marches, whether peaceful or warlike.

But the effect of this remarkable receptacle in our manufactures, agriculture, fisheries, etc., and in the development of our cities has been the real wonder. A few tin cans more or less scattered along the route of an exploring party or regiment may be picturesque, but they are not vital.

The tin can places at the disposal of any consumer at all times of the year delicate fruits and vegetables that our forefathers ate only during a few weeks each season. It transports lobsters, crabs, oysters, fish, shrimp and other perishable sea food far inland to communities where they were unknown in former generations, and at prices that hardly exceed those at the coasts. It has saved labor each year that must in the aggregate represent the lives of thousands of women. It takes up each year at farm and orchard the surplus of fruits and vegetables that could be marketed in no other way. It has led to better products and more hygienic conditions in every food article, for it gave birth to the paper carton, the hermetically sealed glass jar, the collapsible tube and dozens of other containers unknown a generation ago. The lesson taught by the can has led the public to look askance at anything sold uncovered.

New England is regarded to-day as the best market in the United States for all forms of canned goods and prepared foods, especially flake breakfast cereals, and great trade battles have been fought there by manufacturers. This is due to the fact that New England is altogether a manufacturing community, and her people have learned the utility of such foods. Chicago is said to be the most important distributing point for canned goods, great jobbing concerns whose business runs into millions reporting that the tin can

represents from one-quarter to one-third their entire trade.

In 1870 there were only ninety-seven canning establishments in this country. In 1900 there were 2,195 canning fruits, vegetables, fish and oysters. California led in the first two and Maine and the Pacific northwest in the last. The annual product then was \$82,000,000, of which we exported about one can in every four. We also bought \$8,000,000 worth of canned goods abroad.

Everybody knows that the tomato was a garden flower a hundred years ago. The effect of the tin can on the tomato is one of the surprising features of this food industry. Ten and a half million cases of tomatoes (two dozen cans to a case) were packed in 1903, and since then, with two crop shortages, the packers have not been able to get enough of this vegetable. A billion and a half cans have been consumed in this country the past ten years, and factories are now moving west to get an adequate supply of the "fruit."

What about the healthfulness of the tin can? There have been many alarming rumors on this point lately. Few are based on good information. A little reflection and ordinary common sense make out a better case for the tin can than all the analyses that may be brought against it.

Take the matter of garden produce, for instance. The suburbanite knows that peas, sweet corn, asparagus, tomatoes, etc., grown in one's own garden and gathered in a few minutes before cooking, are more savory than purchased at a grocer's. They are ripe, for one thing, and when grown for home use may be of the tenderest varieties. But the grocer has to sell vegetables that will bear several days' keeping and long transportation. So the market gardener who supplies him must raise hardier varieties, with less sugar, water and flavor. But the canning industry practically duplicates the home garden conditions. Tender varieties may be grown, for they go directly into the tin after being gathered. There are many grades in canned vegetables, of course. But the finer canned vegetables are infinitely superior to anything that may be purchased in the natural state at a grocer's.—Modern Grocer.

### DIRECTIONS HOW TO MAKE GOOD COFFEE

1. Grind the coffee fine, and take one heaping tablespoonful for each cup and one for the pot.
2. Break an egg and mix coffee and egg (shell, yoke and white) with enough cold water to make a paste.
3. Pour on this enough boiling water for the amount of coffee needed; then stir vigorously, and bring slowly to the boiling point.
4. When the coffee reaches the boiling point, remove from the fire until the ebullition subsides; then stir and bring to the boiling point again.
5. Repeat this process.
6. After this third boiling up, pour not over half a cupful of cold water into the pot and allow the coffee to stand for a few minutes where the heat will not get at the bottom of the pot. You will thus avoid scorching the grounds.
7. Decanting. As coffee loses its perfection if left standing on the grounds, the best results are obtained by immediately decanting it into a pot which has been freshly warmed.



## THE WHITE HOUSE KITCHEN.

BY CHARLES JAMES FOX, PH. D.

To most American women the kitchen is probably the most interesting room in the White House. A careful inspection of its general construction, of its thoroughly modern appointments and of the manner in which cooking utensils are arranged and cared for, is full of practical suggestions that are helpful to the student of domestic science. It gives furthermore an excellent example of how the old spacious kitchen of

colonial type can be remodeled so as to conform to the latest ideas of domestic labor-saving devices and of sanitary arrangements.

The White House kitchen is composed of two connecting rooms, located in the rustic basement, under the family and state dining-rooms. The main kitchen is forty feet long and twenty-five feet wide. The smaller apartment, known as the family kitchen, is



Copyrighted by Waldon Fawcett,  
Wash., D.C.



about half this size. Both rooms are fitted out according to most modern ideas of kitchen science. The floors and the wainscoting for seven feet are completely tiled. The rooms are well lighted by large windows and by electric light. The open plumbing fixtures are of the most modern and thoroughly sanitary. In the main kitchen, the great hooded range with its large baking and warming ovens, and its huge water boiler, occupies almost an entire side of the room. Next to the water boiler is a large porcelain sink, with up-to-date exposed plumbing for washing dishes. Another side of the room is taken up by two immense cupboards. The upper shelves of these are protected by glass doors and are filled with crockery and tinware. The lower portion is divided into bins for flour, meal and cereals, with smaller compartments for sugar, salt and spices. A large circular pronged iron rack is suspended from the ceiling over one of the several large deal tables that are distributed about the room. On state occasions when a hundred guests are likely to be seated around the massive mahogany table in the state dining-room, this circular iron swing is filled with every variety of cooking utensils, suspended from the prongs, so that they are right at hand for the White House chef and his several assistants. After the state dinner has been served, these highly polished copper utensils are shined up again and stored away in their proper cupboards.

The smaller apartment known as the family kitchen, where the President's "help" take their meals, is fitted up in much the same manner as the larger. This secondary kitchen connects an iron stairway with the butler's pantry on the floor above, immediately adjoining the official and family dining rooms. Two large dumb waiters, operated by electricity, run to this pantry in a shaft built in the wall between the two kitchens, so as to be accessible from each. The same current of electricity which runs the dumb waiter also heats the large plate warmer in the butler's pantry. All the china and cut glass used on the President's table is stored behind glass doors in the large closets of this pantry.

In addition to its spaciousness, the two most striking features of the White House kitchen are the tiled floor and wainscoting and the electric appliances. The floor design and the spotless white wainscoting give the rooms an attractive appearance and suggest at the same time that careful regard for sanitary considerations the importance of which is just being appreciated in domestic science. The use of electricity to light the rooms, heat the dish warmers, run the dumb waiters and for similar purposes, demonstrates that in the domestic arrangements of the President's household, the value of labor-saving devices is fully realized.

The White House steward is an important person. He has to cater to the simple fare which conduces to the strenuous existence of the chief executive, and has also to prepare repasts which will tempt guests from almost every civilized country in the world. One has only to recall the difference between the national dishes of England, China, Russia, Germany, France, Turkey and other countries in order to realize the vast gastronomic problems which confront the White House steward when he prepares a state dinner for the assembled diplomatic corps. There is, however, one care from which he is always free. To him there is no "servant problem," because "help" for

the White House is always plentiful and easy to obtain. Perhaps the most important lesson to be derived from an inspection of the White House kitchen is a realization of the fact that the best method of solving the servant problem is to make the kitchen so attractive, both in appearance and in labor-saving devices, as to appeal to that large number of working women who now regard domestic labor as a drudgery to which any other occupation is to be preferred.

### COFFEE AND TEA ARE DRUGS.

Dr. T. F. Reilly, of Fordham University, writing in the Alumni Report of the Philadelphia College of Pharmacy, says: "Few people are apt to think of tea or coffee as a drug, yet a cup of tea or a cup of coffee contains three grains of caffeine, a drug acting markedly on the heart, kidneys and nervous system. The central nervous system, particularly the part associated with the psychical functions, is strongly stimulated, the ideas become clearer, fatigue and drowsiness disappear and thoughts often flow clearer. The capacity for physical exertion is generally augmented, and this has been thoroughly demonstrated in the late Russo-Japanese war. Kraepelin, who has investigated the subject from a psychological point, finds that tea and coffee facilitate the reception of sensory impressions and also the association of ideas, especially in fatigue; but the transformation of conceptions into actual movements is retarded. The effect on the acuteness of the senses has been demonstrated by the greater accuracy of touch under its influence. It increases the force and the number of the heart beats and increases the flow of urine. Some are particularly susceptible to the effects of caffeine. Large doses will produce effects in most people; these consist of wakefulness, palpitation and irregularity of the heart, muscular twitching and other evidences of a disturbed system. Digestive disorders are common in habitual users of these agents. Some of these digestive troubles are aggravated by the other bodies present, such as tannic acid, volatile oils, etc. Cream and milk generally taken with coffee and tea are responsible for a large part of these digestive disturbances.

The reason we do not notice these effects ordinarily is that our system has become accustomed to the drug and no appreciable effect is produced by ordinary doses. The results of excessive use of this agent are only transitory and pass off on its discontinuance.

Cocoa, the active principle of which chemically is closely related to tea or coffee, possesses few of these stimulating effects on the nervous system, although it affects the heart and kidneys much the same as tea or coffee. The digestive tract is less often affected by it than by either tea or coffee.

### Souffled Veal.

This is a most delicious dish for using up the remnants of a veal roast. Blend together in a saucepan a tablespoonful each of flour and butter, adding salt and paprika. Stir into this half a pint of finely chopped veal and let it get thoroughly heated. Remove from the stove and beat in the yolks of two eggs. Let it cool a little and then add the beaten whites of the eggs. Turn into a buttered baking dish and cook for half an hour in a moderate oven. Turn out on a platter, pour around it a good white sauce, and garnish with parsley.



# DRUGS

## THE WORD "CURE" UNDER FOOD AND DRUGS ACT.

We have received several communications regarding the word "cure," under the Food and Drugs Act, of which the following is a type:

Editor National Druggist—My understanding of the new law is that we will not be allowed after October 1st to use the words "sure cure," "cure," etc. What is your understanding of it? Stamp enclosed for answer, which please send immediately on receipt of this.

The writer of the above letter fails to give his address, and so we could not reply to him by mail, if we had the time and inclination; nor can we tell for certain that he is a subscriber, and thus has a right to make demands on our time. But the question is one of general interest, and though we have discussed it in several previous issues, we think it is important enough to warrant our giving attention to it here; and we will endeavor to answer it to the best of our ability.

We have seen several letters from Dr. Wiley to manufacturers in which he "advises" against the use of the words quoted above. He does not distinctly so declare, but the assumption is that he considers the words misleading, presumably taking the ground that there can be no such thing as a cure in medicine. If he holds this view, he can, of course, institute a prosecution, provided he can get a prosecuting attorney to agree with him. But we think he would find it a very difficult thing to make a case against the manufacturer of a preparation that was not palpably a quack remedy. The Food and Drugs Act is a criminal law, and the government must establish, beyond a reasonable doubt, the truthfulness of the charge in any prosecution brought under it. Since medicine, at best, is an uncertain science, it can be seen that it would be almost an impossibility to prove affirmatively that any particular remedy could not effect a cure. The manufacturer would doubtless be able to establish by persons who had taken the remedy that it did cure in some cases, and if he did this, we think it would make a complete defense. The word "cure," by common use, is interchangeable with the word "remedy." The average individual does not attach to it a stronger meaning, and in prosecutions under this law, the meaning which the word conveys to the average individual would, in our opinion, be the meaning which the courts would put upon it. We do not think that the public is any more apt to be misled or deceived by a medicine which is called a "cure" than it would be if the same medicine were called a "remedy." We do not think any manufacturer ought to call his remedy an "infallible" cure, or a "sure" cure, for no remedy can be effective in all cases, and we would advise the elimination of those words, and all other extravagant claims, not only in order to conform to the Food and Drugs Act, but out of common decency and honesty. Extravagant claims offend more people than they deceive, and, therefore, even as a matter of business only, they do not pay.—National Druggist.

## FOOD INSPECTION DECISION NO. 77.

The Department of Agriculture is in receipt of a large number of inquiries concerning the interpretation to be put on that portion of F. I. D. 76 which refers to coal tar dyes not inhibited for use in coloring foods and foodstuffs.

The term "manufacturer," as used in F. I. D. 76 and in the present decision, applies to a person or company responsible for the purification of the crude or raw dye for the purpose of placing it in a condition fit for use in foods and foodstuffs, or to the accredited selling agent in the United States of such person or company. Such accredited agent must file on behalf of his foreign principal, if the latter does not file it, a manufacturer's certificate, and it will be considered that the responsibility for such certificate will rest upon the accredited agent and not upon the foreign principal.

For each permitted dye two certificates must be filed by the manufacturer, the first to be known as the "Foundation certificate," the second known as the "Manufacturer's certificate." It is suggested that the foundation certificate be in the following form:

### FOUNDATION CERTIFICATE.

I, ....., the undersigned, residing at .....  
(Street address.)  
in the city of ....., county of ....., State of .....  
hereby certify under oath that I have personally examined and tested for ..... of .....  
(Full name of concern.) (City.)  
county of ....., State of .....,  
the material known as ....., which corresponds to the coloring matter numbered ... in A. G. Green's Edition (1904) of the Schultz-Julius "Systematic Survey of the Organic Coloring Matters," and of which a one (1) pound sample marked.... is herewith submitted. I have found the said material to consist of that coloring matter only, to be free from harmful constituents and not to contain any contamination due to imperfect or incomplete manufacture.

(Here insert a complete statement of all the tests applied to determine:

- A. Identity.
- B. Absence of
  - a. Mineral or metallic poisons.
  - b. Harmful organic constituents.
  - c. Contamination due to improper or incomplete manufacture.

Special attention should be given to setting forth fully the quantities or volume of each material and reagent employed, its strength or concentration, temperature, duration of treatment, limits of delicacy of tests employed, and any other information that is necessary to enable others to repeat accurately and correctly all the work herein referred to and thus arrive at identical results. For each test performed, state what conclusions are drawn from it and why.)

(Signature of chemist making the examination.)

### CERTIFICATION.

For the manufacturer's certificate the following form is suggested:

### MANUFACTURER'S CERTIFICATE.

I, ....., the undersigned, a resident of the United States, doing business at ....., in the city of .....  
(Street address.)  
county of ....., State of ....., under the style of ....., do hereby certify under  
(Full name of concern.)  
oath that I am the manufacturer of the material known as ....., which corresponds to the coloring matter numbered .... in the 1904 Green Edition of the Schultz-Julius Tables, of which the accompanying foundation certificate, signed by ....., the examining chemist, is the report of an analysis of a fair, average sample drawn from a total batch of .... pounds.

(Signature of manufacturer.)

### CERTIFICATION.

The foundation certificate must be filed with the Secretary of Agriculture at the time the first request is made of the Secretary to use any or all of the permitted dyes for coloring foods and foodstuffs.

The following form of supplemental certificate is suggested in those cases where a manufacturer desires to apply for permission to place on the market a new batch of a coal tar dye, which dye has already had a foundation certificate and a manufacturer's certificate filed for it.



## SUPPLEMENTAL CERTIFICATE.

I, ....., the undersigned, residing at .....  
 (Street address.)  
 in the city of ....., county of ....., State of .....  
 ....., hereby certify under oath that I have personally examined and tested for ..... of .....  
 (Full name of concern.) (City.)

county of ....., State of .....  
 the material known as ....., which corresponds to the coloring matter numbered ... in A. G. Green's Edition (1904) of the Schultz-Julius "Systematic Survey of the Organic Coloring Matters," of which a one (1) pound sample marked .... is herewith submitted, and I have found it to consist of that coloring matter only and to be free from harmful constituents and not to contain any contamination due to imperfect or incomplete manufacture.

This examination was conducted in strict accordance with the detailed scheme of examination fully set forth in the foundation certificate filed .....

(Date.)

.....  
 (Signature of chemist.)

## CERTIFICATION.

This supplemental certificate should likewise be accompanied by the same type of manufacturer's certificate as is described above.

When the certificates filed with the Department of Agriculture are found to be satisfactory, a "lot number" will be assigned to each batch, which lot number shall apply to that batch alone and to no other batch of the same color.

According to F. I. D. 76, the seven permitted coal tar dyes therein named, made specifically for use in foods, may be used in foods provided they bear a *guaranty* from the manufacturer that they are free from subsidiary products and represent the actual substance the name of which they bear. The guaranty herein considered shall be applied as follows:

Each package sold by the manufacturer should bear the legend "Part of Certified Lot Number ...." The foundation certificate, as well as the corresponding supplemental certificate, does not apply to any certified dye beyond the package originally prepared by the one establishing this certificate. If such a package be broken and the dye therein contained be repacked, the repacked dye, except as hereinafter provided, becomes an uncertified dye, and as such is inhibited.

There is no objection on the part of the Department of Agriculture to mixtures made from these permitted and certified dyes, by those who have filed certificates with the department, but one (1) pound samples of such mixtures, and the trade name under which each mixture is sold, must be sent to the Secretary of Agriculture, and no such trade name or keyed modification thereof may be used for any other mixture.

The exact formula—that is, the true names as well as the numbers assigned to the original package and the proportions of the ingredients used—should be deposited with the Secretary of Agriculture, but such formula need not appear on the label; in lieu of which may appear the legend "Made from Certified Lots Number .... and Number ....," etc. If the packages of these mixtures bearing this legend be broken and repacked, the mixture becomes, except as hereinafter provided, an uncertified one, and hence its use is inhibited; that is, the guaranty of the manufacture shall extend only to the packages prepared by himself and only for so long as they remain in the unbroken form. Whenever new lots of previously established mixtures are made, making use of new certified straight dyes therein, thus necessitating a change in the label, 1-pound samples of the new mixture should be sent to the Secretary of Agriculture.

The term "competent experts" as used in F. I. D. 76 applies to those who, by reason of their training and experience, are able to examine coal tar coloring matter to ascertain its identity and to determine the absence of foreign matter not properly belonging to the product, which, if present, renders the substance unfit for use in food products.

The term "batch" as used above is such a quantity of the product as has undergone the same treatment at the same time and the same place as a unit and not otherwise—that is, the lot for one purification.

Those to whom certification is given with respect to their dyes and a lot number assigned should control the sale of such batches so that they may account to the Department of Agriculture by inspection of their books or otherwise for the destination and disposal of each batch.

Those using these certified dyes in the preparation of foods

and foodstuffs must be in a position to substantiate the fact that the dyes so used were of a properly certified character.

There is no guaranty on the part of the Department of Agriculture that because the tests described in any foundation certificate have once been accepted, the permanency of such acceptance is assured.

In those cases where a package of a straight dye or a mixture of such dyes, bearing proper labels to the effect that they are of a certified lot or lots, is broken and repacked in still smaller lots, or treated with solvents, mixed, etc., the person or company so treating these dyes must stand sponsor for their integrity. This may be accomplished by submitting a statement to the Secretary of Agriculture as follows:

## SECONDARY CERTIFICATE.

I, ....., residing at ....., do hereby  
 (Full address.)

certify under oath that I have repacked .... pounds, of certified lot (or lots) ..... purchased from ..... of ..... This repacking has been accomplished in the following fashion:

.....  
 (Full description of what has been done with the lot or lots.)

.....  
 (Name.)

## CERTIFICATION.

On presentation of this certified form, properly filled out, to the Secretary of Agriculture, a lot number will be assigned, which number should be used in labeling according to the methods already described. If, for example, a portion of lot number "127" is repacked in smaller packages, the lot number "127 A" will be assigned to this repacked dye, to enable the department to follow this into consumption if necessary and still trace it back to the person by whom the dye was originally certified.

H. W. WILEY,  
 F. L. DUNLAP,  
 GEO. P. M'CABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,

Secretary of Agriculture.

Washington, D. C., September 16, 1907.

## ENJOINING FOOD LAWS.

Some manufacturers of short weight and adulterated goods have started in to enjoin the new pure food law in Iowa. There, as in Nebraska and a good many other states, the legislature sought to protect the people from cheats and impositions in what they buy to eat and drink. Along come the firms at Chicago, Battle Creek and various manufacturing centers of the east claiming that the pure food law interferes with their inalienable right to soak the public in Iowa, and that it is an attempt to regulate interstate business. In making this plea, of course, they get their cue from the railroads and express companies, which have repeatedly sought and in many cases obtained injunctions to prevent the states from enforcing rate laws. Of course, if the states are powerless to prevent the transportation companies charging all the traffic will bear, it stands to reason that they can't stop the selling of short weight and adulterated goods. Next thing it will be seriously set up and contended that preachers are not amenable either to the state or the national law because their calling has to do partly with another world, thus rendering it interplanetary, to use the most available word.—Lincoln (Neb.) News.

## INTERNAL REVENUE DECISIONS.

(T. D. 1230.)

*Respecting the misguided activity of internal revenue agents and other employes.*

Treasury Department,  
 Office of Commissioner of Internal Revenue,  
 Washington, D. C., September 13, 1907.

Sir: A recent case which has been called to my special attention enables me to make my position clear in the matter of what I might term the misguided activity of revenue agents and special employes of this bureau who are operating under collectors or under revenue agents in the field.

I realize fully that the arm of the law will be paralyzed in the matter of the enforcement of internal revenue taxes due the government if the officers of this bureau are incapable or corrupt; at the same time they should realize that the laws



of this government are passed as much for the purpose of enabling honest men to do business under them as for the purpose of detecting and punishing those who violate them.

There is a disposition, utterly at variance with good service, on the part of many of the internal revenue employes in the field, to make what they call "a record," and in order to do so subject this bureau to endless annoyance and expense, and make a perfect fiasco in the courts of their undue and hasty action in seizing distilleries, making unfounded assessments, and practically confiscating property of law abiding citizens who are endeavoring to live under the law in a business—the whisky business in any of its forms—always open to suspicion.

I have on my desk the record of a case where three revenue agents or their employes hung around a registered distillery, hoping to find some sin of omission on the part of the bookkeeper, for three weeks, while during that time there were five blockade (or unlawful) distilleries in full operation within seven miles of the registered distillery. By the operation of these unlawful distilleries the government was losing probably \$300 a day as tax on the whisky they were producing, while these revenue agents were sitting about for "big game"—the registered distillery.

The men in the field should understand more fully than they seem to that there are two distinct classes of offenses—that is, sins of commission and sins of omission. Nine times out of ten when a man in the whisky business is guilty of a sin of commission it is done designedly and for the purpose of defrauding the government; as a usual thing, the sins of omission are due to ignorance or negligence.

In this connection I am astounded to find recommendations for the seizing of distilleries, the upsetting of business enterprises involving investment of hundreds of thousands of dollars, because some clerk has failed to properly keep some blank "form" prescribed by the regulations.

Revenue agents and collectors should proceed upon the proposition guaranteed us by the constitution that all men are innocent until proven guilty, and when they find minor irregularities they should assume the attitude of advisers and counsellors, and, by virtue of their experience in the service, tell the people who know less about it what is expected of them. On the contrary, in too many instances they hastily use these sins of omission as a basis for their own self glorification, and embarrass this bureau and the entire service by stupid seizures and assessments.

Recently a revenue agent in the west held up the distillation and manufacture of vinegar for four states because the apparatus they were using could be so misused as to defraud the government. I found upon investigation that the apparatus was identical with that which has been used by vinegar manufacturers for ten years, and that during that entire time but one vinegar manufacturer had been prosecuted for intentional violation of the law.

I use these two instances, but there are many others on my desk.

*I want no let up whatever in a vigorous search for violations of the law, but I want wisdom on the part of officers of this bureau to take the place of an activity to make "a record," finally at the expense of the government, which is entirely at variance with the letter and spirit of the law.*

Respectfully,

JOHN G. CAPERS, Commissioner.

— — — — —, Internal Revenue Agent.

No. 16814.—CRUSHED CURRANTS.—Protests 242,529, etc., of Amerman & Patterson against the assessment of duty by the collector of customs at the port of New York. Before Board 3, September 20, 1907.

WAITE, *General Appraiser*: This commodity consists of Greek currants which have been mashed or ground. The collector assessed them for duty under paragraph 264, tariff act of 1897, which provides for "currants, Zante, or other, two cents per pound." The importers claim they are dutiable as an unenumerated unmanufactured article under section 6; or, if the view should be taken that the process of reducing the currants to their present condition by grinding or crushing constitutes a process of manufacture, then the claim is they are an unenumerated manufactured article under section 6.

The testimony shows this merchandise is the ordinary Greek currants, which for the purposes of evading the law against exportation of the currants from Greece, are crushed to destroy their identity or natural appearance, and exported in that condition. They are used for purposes of distillation in the manufacture of liquors. There is, however, nothing to show but that the perfect currant could be used for the same purpose and as a matter of fact it is so used. The mere

crushing or breaking of the article does not, in our judgment, so change its nature as to exclude it from the specific provision referred to above for currants. See G. A. 6306 (T. D. 27,179); United States v. Devereux (135 Fed. Rep., 428; T. D. ....); G. A. 3670 (T. D. 17,579); G. A. 4,613 (T. D. 21,857); G. A. 4,986 (T. D. 23,255).

The government claims that even if not dutiable as currants they would be so dutiable by similitude. We do not deem it necessary to discuss this point, as we are satisfied that the collector's ruling is right. The protest is therefore overruled. (T. D. 28,427—G. A. 6,667.)

*Pimientos—Sweet Red Peppers.*

Sweet red peppers put up in liquid in tins, and which are commercially known as pimientos, *Held* not entitled to free entry under the provision in paragraph 667, tariff act of 1897, for "pepper, black or white, and pimento." United States General Appraisers, New York, September 20, 1907.

In the matter of protest 229,555 of Austin, Nichols & Co. against the assessment of duty by the collector of customs at the port of New York.

Before Board 3 (Waite, Somerville and Hay, General Appraisers; Somerville, G. A., absent).

WAITE, *General Appraiser*: The goods here in question were assessed at 40 per cent ad valorem as prepared vegetables under paragraph 241, tariff act of 1897. They are claimed to be free of duty under paragraph 667. The local appraiser reported the goods to be "whole red peppers, commonly known as pimientos." This has since been explained as an error for pimientos. The importers' witness says the goods are sweet peppers, and that they are known as red peppers or pimientos. The sample (Exhibit 1) shows the goods to be large red peppers in tins. They are in some liquid, are soft and slippery, and apparently cannot be ground with any success.

Paragraph 241, under which the merchandise was assessed, is as follows:

241. Beans, pease, and mushrooms, prepared or preserved, in tins, jars, bottles, or similar packages, two and one-half cents per pound, including the weight of all tins, jars, and other immediate coverings; all vegetables, prepared or preserved, including pickles and sauces of all kinds, not specially provided for in this Act, and fish paste or sauce, forty per centum ad valorem.

Free entry is claimed under paragraph 667, which reads:

667. Spices: Cassia, cassia vera, and cassia buds; cinnamon and chips of; cloves and clove stems; mace; nutmegs; pepper, black or white, and pimento; all the foregoing when unground; ginger root, unground and not preserved or candied.

The evidence of Mr. Farrington, a spice dealer of many years' experience, shows that pimento is a well-known spice, the same as the article called "allspice," and handled by his firm for the past sixteen years. Illustrative Exhibit A shows the only kind of pimento of which he knows (save the Mexican, which is closely similar). It is about the size of peas, is easily ground, and is widely used as a spice. It is entirely different from Exhibit 1.

On turning to the encyclopædias and dictionaries we find the following. In the International Encyclopædia pimento is explained thus: "See Allspice." The article on allspice is as follows:

*Allspice*.—A name given to the dry berry of the pimento (*Pimenta officinalis*), a small evergreen tree. The berry is supposed to combine the flavor of several spices, especially cinnamon, nutmeg, and cloves; hence the name. The tree is cultivated in the West Indies, especially in Jamaica, for its aromatic leaves and berries. The berries in Jamaica, for its. They are about the size of peas, and are used as a spice for seasoning food. The word allspice is also applied to the aromatic bark of various other plants, particularly *Calycanthus floridus* (q. v.). For illustration see plate of Abutilon.

In Nicholson's "Dictionary of Gardening," *Pimenta officinalis* is placed under the heading "Pimenta," thus:

*Pimenta* (from *Pimento*, the Spanish name).—Allspice tree. Ord. *Myrtaceae*. A genus containing five species of very fragrant stove trees, natives of tropical America, one being also frequently found in the East Indies, etc.

Clearly, the articles described by the foregoing are the same as illustrative Exhibit A, and are entirely different from Exhibit 1. It is to be observed, however, that in the Spanish language there is a word *pimiento*, which is thus defined:

*Pimiento* (Bot.)—Capsicum. The plant of every species of capsicum. The fruit of all the species of capsicum. *Pimiento*



*dulce*, the sweet fruit of the common capsicum. *Pimiento picante*, the fruit of shrubby and bird-pepper capsicum. (Lopes & Bensley's Spanish Dictionary.)

The same authority has also:

*Pimenta*. Bot. Allspice or Jamaica pepper.

Seoane's Neuman & Baretti's Spanish Pronouncing Dictionary also sets forth *Pimiento*, and defines it as "capsicum. The plant of every species of capsicum." It does not, however, have any such word as *pimenta* in its Spanish-English portion. In its English-Spanish part it places both the words *pimiento* and *pimenta* as follows:

PIMENTA, O PIMENTO S. Pimienta de Jamaica.

Evidently this is Jamaica pepper, which is only another name for allspice. See Standard Dictionary under head of "Pepper."

A good explanation is found in the Encyclopædia Britannica under the head "Pimento":

*Pimento*, also called allspice (from a supposed combination of various flavors) and Jamaica pepper, is the dried immature fruit of *Eugenia pimenta* or *Pimenta officinalis*, an evergreen tree about 30 feet high belonging to the natural order Myrtaceæ. It is indigenous in the West India Islands, growing on limestone hills near the sea. The spice derives its name from *pimienta*, the Spanish word for pepper, which was given to it by early explorers of the New World from its resemblance to peppercorns. The allspice of commerce is furnished wholly by the island of Jamaica, etc.

From the above it is evident that the early explorers of Jamaica called the plant that we now know as allspice by the name of *pimienta* because its berries resembled peppercorns, a berry of the black pepper tree, and because *pimienta* is the Spanish word for pepper generally, *pimiento* being confined to capsicum, or the plant that produces red peppers. Seoane's Neuman & Baretti's Spanish Dictionary thus defines *pimienta*:

*Pimienta* (Bot.). Pepper. *Pimienta de Tabasco* or *mala-gueta*, Myrtle. *Myrtus pimenta*, L. *Pimienta larga*, Long pepper, the fruit of the long pepper-plant.

Lopes & Bensley's Spanish Dictionary has:

*Pimienta* (Bot.). Pepper. *Pimienta de Tabasco* or *mala-gueta*, myrtle.

The same authorities show that "*pimenta*" is ground pepper.

Capsicum is thus defined in Nicholson's "Dictionary of Gardening":

*Capsicum* (from *kapto*, to bite; on account of the biting heat of the seeds and pericarp). Ord. *Solanaceae*. Shrubs or subshrubs, rarely herbs. Peduncles extra-axillary, one-flowered. Leaves scattered, solitary, or twin, and quite entire. Many of the species, although possessing considerable beauty, are but rarely grown, either for decoration or for the use of their fruit; consequently, we confine our specific enumeration to the common capsicum, the bird pepper or chili, and the bell pepper. The first two of these have long been in cultivation, for use either in a green state for pickles and for making chili vinegar, or ripened and ground as cayenne pepper. Some sorts are exceedingly ornamental for greenhouse decoration in winter, if plants are well grown in rather small pots, and the fruit ripened under glass. The varieties producing small pods are the hottest, and consequently best suited for making cayenne pepper. These are generally called chilies. All other varieties of capsicum have a more or less pungent flavor, and those bearing larger pods are more profitable for use in a green state. The fruits of all are either red or yellow when ripe, and are of various sizes and shapes.

Comparing this with the definition of *Pimenta officinalis* (above referred to) in the dictionary, it appears that capsicum is from the order called *Solanaceae*, while pimento belongs to the order called *Myrtaceae*. The former is a shrub, the latter a tree. One is exceedingly pungent and makes red pepper; the other is fragrant and makes a spice. The article represented by Exhibit 1 can hardly be ground at all, as importers' witness testified, saying, "I don't think it can be done." On the other hand, illustrative Exhibit A is regularly ground in order to fit it for use as a spice. The paragraph on which the protestants rely (667) presupposes that the goods mentioned in it are capable of being ground, for it limits the privilege of free entry to "all the foregoing when unground."

Capsicum is mentioned by name in paragraph 287, "capsicum or red pepper, or cayenne pepper, two and one-half cents per pound." It may be a question, therefore, whether the article now before the Board does not really come under paragraph 287 rather than under paragraph 241 (where the collector

classified it). Note *In re Dagnino*, G. A. 6,248 (T. D. 25,957). One thing, however, is certain, and that is that the red peppers shown by Exhibit 1, "*pimientos*," are not the unground pimento mentioned in paragraph 667.

We therefore find—

1. That the merchandise consist of red peppers in tins marked "*pimientos*."
2. That the goods in the condition in which we find them are not capable of being ground for any useful purpose, and are not naturally ground or used in a ground condition.
3. That the articles under consideration here are not the pimento mentioned in paragraph 667 of the tariff act of 1897.
4. That the word "*pimiento*" is from the Spanish language and is a word used to designate capsicum or red peppers, and that the article under consideration may be described as capsicum or red peppers.
5. That the article in question is not a spice, and that the pimento mentioned in paragraph 667 is the same as the berry from the island of Jamaica usually called allspice.

The protest is therefore overruled.

(T. D. 28,428—G. A. 6,668.)

*Marmalade and Jams.*

#### I. MARMALADE—SWEETMEATS—PRESERVED FRUITS—JELLY.

A product which is made from the bitter orange, including the juice, ground skin, and pulp of the orange, with sugar added, and which is commonly and commercially known as marmalade, *Held* to be dutiable under the provision in paragraph 263, tariff act of 1897, for "comfits, sweetmeats, and fruits preserved in sugar," and not under the same paragraph as a jelly.

#### 2. BERRY JAMS.

The commodity described as berry jams held subject to the same classification as marmalade, and not dutiable under paragraph 263 as a jelly, nor under the provision in paragraph 262 for "apples, peaches, pears and other edible fruits, including berries, \* \* \* prepared in any manner, not specifically provided for."

United States General Appraisers, New York, September 23, 1907.

In the matter of protests 244,556, etc., of Bogle & Scott *et al.* against the assessment of duty by the collector of customs at the port of New York.

Before Board 3 (Waite, Somerville and Hay, General Appraisers; Somerville, G. A., absent).

WAITE, *General Appraiser*: The merchandise in question in these cases consists of marmalade and berry jams. The marmalade is made from the bitter orange and includes the juice, ground skin, and pulp of the orange with sugar added giving it the consistency of the well-known commodity of marmalade. It was returned by the appraiser as sweetmeats and assessed for duty under the provision in paragraph 263, tariff act of 1897, for "comfits, sweetmeats, and fruits preserved in sugar," at 1 cent per pound and 35 per cent ad valorem. Protestants claim it is assessable as a jelly under the same paragraph, thereby aiming to save 1 cent a pound, as jellies are dutiable at 35 per cent ad valorem.

Considerable testimony has been taken and we think it clearly appears from the statements of men who have been long in the trade that the true jelly, such as is intended to be covered by the provision in said paragraph, consists merely of the juice of the fruit mixed with sugar, the same being cooked together to bring it to the right taste and consistency. The marmalade here in question does not correspond to this description, but is rather a sweetmeat, or fruit preserved in sugar. What was said by the Board in the Hayes case, G. A. 5,935 (T. D. 26,069), may be appropriately quoted here:

The fact that fruit has lost its original form has been held to be no obstacle to its assessment as fruit preserved, under paragraph 263; and fruit reduced to pulp, even without added sugar or other preservative than its own juice, has always been placed thereunder. Thus, prunes boiled in water and pressed through a colander, without the addition of sugar, gelatin, or other material, were held dutiable as "fruits preserved in their own juices," rather than as "jellies," in *United States v. Rosenstein* (90 Fed. Rep., 801). Orange pulp, raspberry pulp, and date paste have all found a like classification. *In re Sheldon*, G. A. 4,749 (T. D. 22,435); *In re Curtice*, G. A. 5,205 (T. D. 23,987); *In re Grubnau*, G. A. 5,490 (T. D. 24,806). Where, by the addition of sugar, the thing becomes a sweetmeat, its classification under paragraph 263 is unsailable.



**BEVERAGE EXPOSITION POSTPONED.**

Chicago, Oct. 5th, 1907.—Dates for the National Pure Beverage Exposition and Congress have been changed from February 24 to March 8, in order to better serve the interests of the exhibitors and interested visitors. This determination was arrived at after the receipt of a petition signed by practically every exhibitor and hundreds of letters from people who wanted to be present at the show but could not if it was held in November. Letters from all over Europe urged the change of dates on the plea that holding the show late in November brought it too near to the holidays and made it impossible for foreign exhibitors and visitors to carry out their plans and still be home in time for Christmas and New Year's. American concerns protested that this was the busiest time in the year for them and that they could do themselves better justice later on. Practically all of the available space in the Coliseum has been subscribed for. There are more options out that are maturing daily than take up every foot in the entire building so that the change of dates will make no difference to the show further than to make it more valuable to both exhibitors and the visitors. Not only has the floor space of the Coliseum been taken, but both floors of the Annex as well. The only other show that occupies floor space, gallery, annex upstairs and down is the Auto Show, where exhibits are very large and consequently require much floor space to house them. With this in mind it will be seen even at this early date, the National Pure Beverage Show is larger than anything that has been seen in Chicago so far.

**MANY POISONED IN ROCK ISLAND.**

Fourteen people were dangerously poisoned recently at a boarding house conducted in Rock Island by Mrs. Elizabeth McLausin as a result of eating imitation fruit jelly. It was labeled in compliance with the pure food law, stating that it contained 20 per cent of apple juice and 80 per cent of corn sirup. Prompt action by a physician alone saved the lives of several. Physicians who examined a sample of the jelly say it contained arsenic.

**PURE FOOD LEGISLATION.**

In this day of pure food legislation, when the wrapper of each package purchased of your druggist and grocer tells you what you are about to take into your system, it will be of interest to know that it was but five years after the creation of the territory of Illinois that the necessity for guarding the food supplies and protecting the people against fraud and misrepresentation in the purchase of the necessities of life, impressed itself upon the legislative body, and it is more than probable that the early appreciation of the wholesome effect of such a law as was then enacted, was due to the fact that a physician, Dr. George Fisher, who was also speaker of the First General Assembly, which convened at Kaskaskia, November 25, 1812, guided the deliberations of the assembly in speaker of the house.

**Hamburg Steak.**

Season the meat with salt and pepper and a very little finely minced onion. Add one-third the quantity of bread crumbs and one or two beaten eggs. Roll into balls, cover on each side with flour and brown well on each side in hot butter.

**MEAT PACKERS CONVENTION.**

The American Meat Packers held their first meeting in Chicago last week and closed the session with a magnificent banquet given by the Chicago branch of the association to the visiting members. Following are some of the resolutions adopted:

"Returned Meats.—No provision has been made for the return of meats to inspected establishments after they have been rejected, but your committee expects that when this is fully considered by the department relief will be granted.

"Butchers' Fat.—During the year the department issued regulations forbidding the collection of butchers' fat for rendering in inspected establishments, because the liberal regulation which had been made upon this subject was abused by some renders. The matter of a new regulation is still pending, and we hope that this valuable product may still be utilized.

"Denaturing White Grease.—Your committee, as well as the department, is endeavoring to find an agent which will denature white grease, making it inedible without destroying its color.

"Soft Lard.—Upon several occasions your committee has urged the department to permit a larger percentage of lard stearine in lard during the summer months, and for products going to warm latitudes.

"Tagging for Identification.—Your committee urged upon Secretary Wilson that he put into practice a system of tagging of animals for identification. We believe that some such device will ultimately have to be adopted if diseased animals are to be traced to their source and the cause of the disease eradicated.

"Inspectors.—Your committee has called the attention of the department upon several occasions to arrogant and disrespectful inspectors."

The election of officers resulted as follows:

President—J. S. Agar, Chicago.

Vice-President—B. W. Corkran, Baltimore, Md.

Secretary—George L. McCarthy (the National Provisioner), New York.

Treasurer—Joseph L. Roth, Cincinnati, O.

Chairman Executive Committee—Charles Rohe, New York.

**HOW TINFOIL IS MADE.**

As the tea pickers are considerable users of tinfoil they may be interested in a general way in the method of its manufacture. According to The Valve World, tinfoil is a combination of lead with a thin coating of tin on each side. It is made in the following manner: First, a tin pipe is made of a thickness proportionate to its diameter (proportion not given). This pipe is then filled with molten lead and rolled or beaten to the extreme thinness required. In this process the tin coating spreads simultaneously with the spreading of the lead core and continuously maintains a thin, even coating of tin on each side of the center sheet of lead, even though it may be reduced to a thickness of 0.001 inch or less.

**HIS REASON FOR COMPLAINT.**

Rear Admiral Mead, at a dinner at the Portsmouth Navy Yard, illustrated with a story an interesting discourse on food inspection.

"A sailor," he said, "brought a tin cup to an inspecting officer and exclaimed:

"Taste this, sir. That is all I ask. Just taste it."

"The officer took a sip.

"Well, really, my man," he said, "this is not bad soup at all."

"Yes," said the sailor, bitterly; "and yet they want to persuade us, sir, that it's tea."—Washington Star.

Send in one dollar and we will send you the American Food Journal for one year and a photograph of the 11th annual convention of The Association of State and National Food and Dairy Departments neatly framed.



## FIXTURES

Time and Place of Holding Conventions, Food Shows  
and Expositions Relating to Pure Foods.

National Dairy Show and Exposition, under the auspices of the National Dairy Show Association, at the International Amphitheater, Union Stock Yards, Chicago. Address all communications, National Dairy Show Association, Room 307, 154 Washington street, Chicago.

International Pure Food Exposition (World's Pure Food Show) at the Coliseum, Chicago, Ill., November 19th to 25th, 1907. Address Managing Director Thomas I. Hoyne, Manhattan Building, Chicago, Ill.

The National Pure Beverage Exposition at the Coliseum, Chicago, Ill., February 24 to March 8, 1908, inclusive. For particulars address the National Exposition Co., managers of the National Pure Beverage Association, Room 608, 167 Dearborn St., Chicago, Ill.

Norfolk, Va.—Jamestown Exposition, April 20 to Nov. 30, 1907.—Food Products Exposition. H. St. George Tucker, president; G. T. Sheppard, secretary.

Send in one dollar and we will send you the American Food Journal for one year and a photograph of the 11th annual convention of The Association of State and National Food and Dairy Departments neatly framed.

## We are the Largest Manufacturers of Prepared MUSTARD AND CATSUP

HUSS-EDLER PRESERVE COMPANY,

Write for Samples and Prices. 75-79 W. Kinzie St., Chicago

## The American Food Laboratory

1235-1240 Caxton Bldg., 334 Dearborn St., Chicago

Telephone Harrison 2473

### SPECIALTIES

Food Stuffs; Water—Portable, Mineral. Boiler;  
Drugs, Liquors, Food Colors and Preservatives,  
Cattle Feeds, Fertilizers.

Technical information as to requirements of State  
Food, Drug, Fertilizer and Stock Food Laws.

### INDUSTRIAL

Factory Processes, Factory Investigations, Chemical  
Patents Perfected, Practical Receipts, Soap and  
Glycerine, Paints and Oil, Utilization of Bi-Products,  
Toxicological Work, Infant and Invalid Foods.

## WEISEL & CO.

...Manufacturers of...

High Grade **SAUSAGES ONLY**

609 East Water Street

Milwaukee, Wis.

CHICAGO BRANCH: — 51 to 53 LA SALLE STREET

Tel. connection

## PERFECT FOOD FOR MAN

The food which contains in itself every element necessary,  
in right proportions, properly prepared by a physician  
and chemist which makes the perfect food for man, is

## DR. PRICE'S WHEAT FLAKE CELERY FOOD

Persons whose diet is composed of most wholesome  
foods are comparatively free from disease and are active  
mentally and physically. Dr. Price's Food being made  
from the whole grain of the wheat, if eaten daily, dis-  
poses to keep the bowels regular.

**Palatable—Nutritious—Easy of Digestion and Ready to Eat**

Can be served hot. Put in a hot oven for a few minutes; or cook in boiling milk

**10c a package**  
All Grocers

My Signature  
on every  
package

*Dr. W. C. Price* 84



# THE AMERICAN FOOD JOURNAL



Vol. II No. 11

CHICAGO, NOVEMBER 15, 1907

10c. Per Copy  
Monthly \$1.00 Per Year



**THOMAS T. HOYNE,**  
Managing Director World's Pure Food Exposition





# Karo

**For  
Griddle  
Cakes  
of All  
Makes**

## CORN SYRUP

It's the crowning joy that makes a feast of a flapjack.

It spurs the lazy appetite; it surprises by its exquisite flavor.

Fine for baking—best for any use from griddle cakes to candy.

*In 10c, 25c and 50c  
air-tight tins*

CORN PRODUCTS  
MFG. CO.

# ATLAS Harmless Synthetic Colors

ATLAS VEGETABLE COLORS  
IN PASTE OR DRY FORM

## Atlas Carmine

No. 40

Guaranteed absolutely free from coal tar matter. Has no equal in strength, clearness or brilliancy.



## Koncentrona

:: :: OUR NEW :: ::  
VEGETABLE BROWN

To replace Coal Tar or Iron Browns. The only adaptable Vegetable Brown, very strong and correct in shade.

# H. KOHNSTAMM & COMPANY

Established 1851

112 Franklin Street, CHICAGO

87 Park Place, NEW YORK



# THE AMERICAN FOOD JOURNAL



Vol. 2. No. II.

CHICAGO, NOVEMBER 15, 1907.

Monthly, \$1 Per Year.  
10c Per Copy.

## ADDRESSES DELIVERED

AT THE

### Eleventh Annual Convention

OF THE

## Association of State and National Food and Dairy Departments

At Jamestown Ter-Centennial Exposition  
July 16th to 19th, '07.

### "THE DAIRY INTEREST OF COLORADO."

B. G. D. BISHOPP, STATE DAIRY COMMISSIONER OF COLORADO.

In speaking of the dairy interests of Colorado there is much more to be said regarding her prospects as a dairy state than upon the dairy industry of the present. Our dairy manufacture is done in less than one hundred creameries and cheese factories. It has been shown, however, that butter and cheese of the finest quality can be made under our conditions.

The enormous quantities of alfalfa grown at the rate of from three to five tons per acre, and now used to fatten hundreds of thousands of lambs for your eastern markets; our immense crops of small grains and thousands of acres of rich pasture grasses give us the foundation of a magnificent dairy industry.

You cannot find purer air or purer water than comes off the snow-clad Rockies, supplying the foothills and adjacent plains. Add to these advantages of climate and feed the best of roads and such markets as only prosperous cities and rich mining camps afford and there is little reason why Colorado should not be among the greatest dairy states of our union.

Now it becomes necessary to show why under such favorable circumstances our state has not done more dairying. There are several reasons. From the agriculturists' standpoint ours is a new state. The ranging of great herds of beef cattle has gradually given way to agriculture by irrigation. Recently other large tracts are being handled by dry-farming methods. Other lines have appeared more tasteful to the farmer than dairying, but when the soil becomes depleted by heavy cropping by the sugar beet we expect to bring dairying to the rescue. The careless method of the "new country" must be changed.

Probably the greatest hindrance to dairying in Colorado has been the extensive illegitimate sale of oleomargarine represented to the consumer to be butter. Two carloads per week of this imitation has been sold at retail in Denver and outlying towns as butter and at ranch butter prices.

I understand that until the last two months this traffic had gone on without interruption for several years past. While our state law gives us no authority in any line of the dairy business except on imitation of butter and cheese this matter was almost entirely overlooked by the dairy commission the past five or six years.

To show you the attitude of our law-makers one of our state senators, representing Denver county, gave my deputy and myself the reasons for the failure in the last session of the legislature of a bill, giving us enlarged powers regarding milk standards and milk and cream supply generally. He is a wholesale dealer in oleomargarine. He said the appearance of the word butter in the bill killed it.

We were told on entering the office three months ago, by our predecessors, nothing could be done toward stopping the illegal sale of oleomargarine in Colorado, indeed it looked as though very little could be done with one assistant, no stenographer, no laboratory, but \$500 per year traveling expenses for two of us and no appropriation for any other work.

Representatives of the meat packers are with us at these sessions and fine fellows they are, but I should like to see the complexion of the representative of the packers who can cause to continue the condition of gross fraud in the sale of oleomargarine for butter and without compliance with revenue laws that has existed in our state for several years past.

We believe the Colorado law to be adequate to control the sale of imitations and we expect to test it and should it fail we hope to build such public sentiment as will demand better legislation in this line.

We have received very encouraging words from three of



the largest creamery companies assuring us of an organization of the dairymen of the state soon. No organization of the kind exists at present.

We expect to give the buttermaker "a square deal" by putting oleomargarine out of open competition with butter on the market. When lawmakers and courts fail we find that public opinion properly moulded by means of the newspapers is an ever present help.

We believe that "Milk is the key-stone of the arch of the pure food crusade." The only method we have of fixing standards for milk or cream or controlling the city supplies of these has been to urge the passing of suitable city ordinances. We have gotten in touch with the officials of about one hundred cities of our state by letter, very few having adequate ordinances. We have been requested to meet with the councils of several cities and have drafted ordinances for something like twenty cities at their request.

I must take exception to newspaper statements recently made, and credited to the Department of Agriculture (I believe by mistake, however,) to the effect that the milk supply of the cities of Colorado was the poorest in the United States. On the contrary the interest which has been mani-



**B. G. D. BISHOPP DAIRY COMMISSIONER OF COLORADO.**

festated recently both by city officials and dairy men together with our natural condition bids fair to make the milk supply in the cities of Colorado the best in the United States.

Over twelve hundred head of dairy stock have been tested for tuberculosis within the past three months in our state.

Within the past two weeks under the direction of the Colorado Dairy Commission the tuberculin test has been applied to three hundred eighty-two head of dairy cows.

These tests and their results bring out forcibly two very important facts regarding the Centennial State. The first is the remarkable healthfulness of Colorado climate for the cow as well as for her master. The second is the progressiveness of her farmers and dairymen.

The tests were made by Messrs. Tripp, McCausland, Eldredge and Morrow, students and graduates of the Colorado Agricultural College under the supervision of the State Dairy Commission.

Of the three hundred eighty-two head tested but six reacted to the test making about one and one-half per cent diseased. These three hundred eighty-two head constitute fifteen herds representing three sections of the state about one hundred miles apart.

Of two hundred twenty-four head kept upon the divide between Denver and Colorado Springs and furnishing milk to the Carlson & Frink Co., of Denver, but one animal reacted to test and that to so slight an extent that she could be regarded only as suspicious. We have no record of a Colorado herd running higher than fifteen per cent and nearly all tests ever made in the state have shown less than five per cent diseased.

These latest results we regard as remarkable. The only assignable reason for so little of the disease being brought to this state in the numerous recent shipments of dairy stock from the east is that these shipments were bought subject to the tuberculin test and tested before coming to Colorado.

There is no law in Colorado requiring the testing of cattle kept for dairy purposes, and while the dairy commission has been striving for the past three months to secure ordinances in all cities enabling control of city milk and cream supply but few of our cities have strong ordinances on this subject.

The progressive spirit of the Colorado dairymen is attested to by his willingness to accept scientific methods without legal enactment. All tests made under the direction of the commission have been with the agreement on the part of the dairymen that any cattle found by the test to be diseased should be branded on the forehead with the letter T, so as to prevent diseased animals being sold or exchanged without apparent evidence to the prospective purchaser of the diseased condition especially during the period of immunity to test usually conceded to be ninety days following a test.

The owners of diseased animals have been willing in all cases to isolate the diseased stock from their herds and discontinue the sale of their milk at the suggestion of the commissioner.

I might mention here that the tuberculin test has been the source of another gross fraud. In this case it has been practiced by the veterinarian who in our state charges as a rule \$2.00 per head in large herds and \$3.00 per head where but a few are tested. This fraud has led me to place the branding clause just mentioned in city ordinances which we have drafted and in all agreements with dairymen who have had their herds tested under my supervision.

Let me sight a specific instance. A veterinarian, with one of the largest practices in Denver, tested a herd of forty-two cows, making the usual charge, and declared twenty-one of them diseased. He bought the twenty-one good dairy cows said to have reacted to the test, for \$20 per head, drove them about forty miles away and contracted for their keep with a farmer for one-half the proceeds from milk sold from them and one-half their increase.

The only comforting feature of the situation is that no doubt but one or two of the twenty-one head are tuberculous instead of the whole number condemned.

This case was known to the state veterinarian and the state board of live-stock inspection but was overlooked entirely by them.

We have gathered the data I have given, with some difficulty. We expect to give this veterinarian some free advertising and reduce the objections on the part of the veterinarians generally to the charge of \$50 per head by representatives of our office who are college men but not graduate veterinarians.

It is our aim to make dairying a more popular and a more profitable industry than it ever has been, in Colorado.

### **THE PRESERVATION AND DISTRIBUTION OF SODA FOUNTAIN SYRUPS WITH AND WITHOUT PRESERVATION.**

A. G. RICHARDSON, ROCHESTER, N. Y.

The evolution of the soda fountain and the development of its widespread popularity has taken place within the memory of most of us here to-day. We can all recall the little box-like soda fountains with their crude apparatus which were so common a few years ago and which have not yet passed entirely out of existence. They are a wonderful contrast to the beautiful and elaborate fittings put out by the soda fountain manufacturers of to-day, many of which are fit for a king's palace and ranging in price from \$250 to \$25,000 each. The first soda fountains primitive in their construction embodied many unsanitary defects, including the use of corrosive metal and faults of construction and design which made it practically impossible to keep them sweet and clean, and in addition the almost universal use of extracts and artificial flavors in the preparation of soda fountain syrups, combined with the lack of knowledge and experience



on the part of the dispensers regarding the management of the soda fountains, made it inevitable that the quality of the products served at the soda fountain in earlier days, could not be of the highest excellence. The conditions as already intimated have changed for the better. No pains or expense is spared to make the modern soda fountain absolutely sanitary. The syrups are kept in closed containers, porcelain, glass, silver plate, and pure block tin. The syrups do not come in contact with anything which will make them impure, there are no crevices where impurities can be concealed, and in fact the whole construction of the modern soda fountain is such, that it can be frequently, quickly, and thoroughly cleansed and sterilized—nothing that ingenuity can suggest has been omitted to accomplish this result.

But by far the most important factor in the evolution and improvement of the products dispensed at the soda fountain, has been the origination, development and adoption by the trade of pure true fruit flavors, as this has improved the character of soda water and kindred forms of refreshment in themselves, while the improvements in soda fountain construction have prevented soda fountain flavors from being contaminated before they were served to the customer.

The J. Hungerford Smith Co. were the pioneers or leaders, so to speak, in the manufacture of concentrated fruit syrups and crushed fruits for soda fountain use, which is generally conceded to have done more than anything else to elevate the quality of soda water served to the public, therefore, we feel that we can speak with some authority on this subject, especially as our president, who has attained some recognition as an accomplished chemist, and a man of the highest integrity, has devoted his life to the study and research concerning such products. I trust you will credit me with a proper feeling of modesty in making these statements, which seem necessary in explanation of my further remarks. And now for a moment I will ask your indulgence in a brief personal reference entirely apart from my connection with the J. Hungerford Smith Co.

It is now about 25 years since I began my apprenticeship in the drug business and obtained my first experience in the soda water business. To attain better results and in preference to using extracts for flavoring my fountain syrups, I used to make them from fruit juices, taking one quart of fruit juice and adding  $3\frac{3}{4}$  pounds of sugar; this was brought to boiling heat, making about 56 ounces of concentrated, heavy syrup. I diluted this heavy concentrated syrup with equal parts of heavy sugar syrup when it was ready for the fountain. This process made a concentrated syrup which was practically a saturated solution, yet notwithstanding that it had been sterilized by boiling, which incidentally destroyed about 50 per cent of the fresh fruit flavor, and notwithstanding the natural preserving qualities of a heavy syrup, this product would frequently ferment and spoil. During the fifteen years that followed, while I was engaged in the drug business, I continued to make my soda fountain syrups by the process I have described being unable to find a better method. Then, about ten years ago I secured samples of the J. Hungerford Smith Co.'s line of cold process fruit syrups and found by diluting them with three parts of simple syrup that I secured twice as much of the finished product and quality so much superior to that made from the fruit juice by heating, that I adopted them for my fountain and my business doubled. I may remark here that while I have managed many soda fountains, I have never failed to increase the business by improving the quality of the soda water, and as a rule this fact is appreciated by the trade and the majority of dispensers to-day are trying to see how good they can make the soda water they serve, rather than how cheap, because it is to their interest to do so. During my years of experience as a traveling salesman, calling on the soda fountain trade, I have seen the business of thousands of dispensers increase enormously by adopting cold process concentrated syrups. It is true that the popularity of a certain product may be no test of its purity, but soda water must be better in flavor and appearance at least if it is unusually popular, and there is at least ground for the assumption that it is really purer and better in quality.

I have stated that sterilization destroys at least 50 per cent of the fresh fruit flavor; the use of a minimum quantity of some harmless preservative like benzoate of soda enables the manufacturer to put the fruits or fruit syrups up by cold process, preserving in the greatest degree the natural and fresh flavor of the fruit. Now the use of such a preservative in the infinitely small quantity requisite for the purpose does not pickle the product as the uninformed may suppose, but merely prevents the inceptive stages of fermentation, the

amount is so small that even the strongly pronounced flavor of benzoate of soda cannot be detected in the concentrated product, indeed this is one of the features of benzoate of soda, that if a sufficient quantity were used to have injurious effect upon the human system, it would ruin the flavor of the food product in which it was used rendering it inedible. As you are doubtless aware, a concentrated syrup for the soda fountain is one which is so strong in flavor that it must be diluted with three to five times its bulk of plain syrup before it is put into the fountain and this product is again diluted with about five times its bulk of plain or carbonated water before it is served to the consumer, so that the finished beverage would only contain benzoate of soda equal to about one part in four thousand—very insignificant as you no doubt agree. It is because they are subject to such extreme dilution that soda fountain requisites require a higher percentage of preservation in the original package as compared with canned goods, about one fourth of one per cent in the former and about one-tenth of one per cent in the latter and manufacturers are apprehensive as to what would be the result if firms handling such perishable products in immense quantities were to attempt this without preservatives of any kind.

Fruit products are especially liable to decay, fermentation, etc., and it seems indisputable that the danger to public health would be many times increased and multiplied by such a course, for even sterilization is not a reliable means of preservation, even if it did not destroy the flavor, and fruit products so prepared will rapidly spoil after they are opened. It is of course well known to you that the handling of fruit products during shipment in varying temperatures and conditions also increases the liability of fermentation. Again, if it were practical to sterilize such goods they must be put up in much smaller packages greatly increasing the cost and to such an extent as to be prohibitive.

I have been intimately connected with the soda fountain business for 25 years. I have made and handled soda fountain syrups of every description and have seen them made, but I have never yet seen a satisfactory fruit syrup made by cooking or without a preservative. Our president, Mr. J. Hungerford Smith was the originator of concentrated true fruit syrups for the soda fountain and has devoted his life to the study of fruit products. I doubt if any man in America has had a better opportunity or is better equipped by training, education and experience in this particular line. There has been a constant and sincere effort on the part of my firm to produce goods that invariably measured up to the highest standard. In this endeavor we believe we have been successful and we are ready to submit our goods to any kind of test or comparison alongside of any similar products put up in any other way. We will do this with minds open to conviction and if any one can show us any method whereby the purity or quality of our products may be improved, we are ready to adopt it. Our convictions are based on personal knowledge and experience and we only ask as manufacturers, that you gentlemen as public officials will not advocate or impose conditions which will restrict or ruin any legitimate business unless your own personal knowledge and experience convinces you that the requirements exacted are reasonable, right, and practicable, and will result in improvement over present conditions and not otherwise.

It is a strange condition that exists when the Government spends thousands of dollars in research and experiment in the interest of agriculture and then spends many thousands of dollars more in the free distribution of such information for the benefit of the farmer, but at the same time, imposes restrictions upon the manufacturer who furnishes such a large market to the agriculturist standing between him and the consumer, serving both, and to the manufacturer who occupies such an important position in our commercial life as a nation, who has more unstable and fluctuating conditions to contend with than any other line of business: that, to him the Government should say, the methods you have evolved through long years of toil and experience, alone unaided, unadvised, notwithstanding they have stood the test of public approval, notwithstanding they have thus far produced the best results, notwithstanding that it may mean financial loss or ruin, notwithstanding that we can give you no advice, information or any substitute for your present methods, these must all be discontinued.

Gentlemen, the American manufacturer will adopt any suggestion that will improve his products, but in the name of justice, tell him how he can improve if he must be forced to change. When a manufacturer comes to you with an honest desire to comply with the law and eager and anxious for some information as to how he can do so and still con-



tinue in business, do not shake your head wisely and tell him that he can do without preservatives, that they are unnecessary and that there is a way to get along without them if he is smart enough to find it. He is trying to be fair with you, meet him half way if you know a better way for him tell him what it is.

It is estimated that there are one hundred and twenty-five thousand soda fountains in the United States representing an investment on the part of retailers of \$50,000,000, with a business of probably \$100,000,000 per year. The manufacturer of soda fountains, soda fountain supplies, and kindred products, represents an investment of at least \$10,000,000, with an annual business of perhaps \$50,000,000. These figures are roughly estimated, but will give you an idea of the magnitude of the soda water business. It furnishes employment to thousands, much can be said in its favor also from a moral as well as an ethical standpoint. Soda water is a temperance drink, it ministers to the comfort and enjoyment of countless millions, it encourages sobriety and any action which will out down the sale of such drinks should be well considered.

I have spoken especially of benzoate of soda as a desirable medium for preserving fruit products because it is an actual constituent of many fruits. It is found normally in the human system, it is especially adapted for use in fruit products and is generally used at the present time. I believe that the claim for benzoate of soda in regard to its effects on the human system will not differ materially from those of common salt, both being normal constituents of the human body. Attention may be called to the fact that the law does not prohibit any harmless preservative but it is then necessary that there should be a mutual understanding as to what substances will conform to this ruling. The manufacturers and many scientific men believe that the use of benzoate of soda in such quantities only as are requisite for the purpose referred to, is not only harmless but beneficial. It has been in general use for years and I do not know that any one can cite a specific instance where a single person has been injured by it. There are on file records where it has been scientifically administered for years without injurious effects, and while the manufacturers recognize and appreciate the value and soundness of conclusions, based on scientific theories, they submit that conclusions which have been determined by actual and practical experience should be accepted as having the greatest weight. The results of such experience are tangible and convincing. Manufacturers, as a class, are not unprincipled, they want to market pure goods and want to know that they are pure, some of them using benzoate of soda, for the personal satisfaction of determining for themselves the harmlessness of this article have spent thousands of dollars in experiments. We do not say that fruit products cannot be put up by sterilization, but we do say that if put up by such process they will be greatly inferior in quality, appearance and healthfulness. That they will not be salable to any great extent will be undesirable commercially, and will be a source of greater danger to public health than the properly authorized use of some sufficient and harmless preservative like benzoate of soda the use of which can easily be restricted if desired. I do not wish to be pessimistic but I sincerely believe that to practically prohibit the reasonable use of preservatives in food products would be a serious blow to our commercial life. The welfare of this country is closely interwoven with the various lines of industrial activity. Any action which will restrict the manufacture of legitimate food products will increase the cost of living, this in turn results in a demand from the laboring classes for higher wages, which increases the cost of production, and so on around the circle, but notice that while all this is going on the market furnished to the agriculturist the mainstay of this country which has been greatly enlarged by the manufacturer of food products, is curtailed.

I am informed that some manufacturers of food products have stated, that preservatives were unnecessary. It may be true in their own individual cases, there are doubtless some food products which do not require a preservative, but the opinion of a few such manufacturers ought not to govern all the rest. For instance, a California manufacturer of olive oil may not need a preservative, but what authority would he have for saying that a catsup manufacturer would not need it. Right here a little story, clipped from the editorial columns of the New York *Sun* may not be out of place.

"Untold possibilities lie in catsup bottles since the Pure Food Law went into effect. One popular brand formerly depended on a small percentage of benzoate of soda to keep it from fermentation. The makers ceased to do this when it became necessary to state the use of preservatives on the label. The catsup now ferments rapidly once the bottle has

been opened and every now and then in restaurants where it is used there comes the sound of a small explosion. It is a catsup bottle in action. In one restaurant of some pretensions on the west side, a bottle exploded yesterday, drenching two of the guests with the blood-like stuff. Not only that but the catsup shot up for twenty feet and covered a space a foot or more square on the ceiling. According to the waiter the explosion was the fourth since the use of benzoate of soda was stopped."

The manufacturers have tried to study this subject impartially for apart from the standpoint of public health, they would naturally prefer to eliminate preservatives as an item of expense, but they are convinced that it is not wise, practical, or beneficial, and they believe that if you do not now, you will ultimately share their views.

## AMERICAN WINES AND THE PURE FOOD LAW

PERCY T. MORGAN, PRESIDENT CALIFORNIA WINE ASSOCIATION.

What is WINE? This question appears to be agitating grape growers throughout the civilized world. In France its manifestation is in a refusal to pay taxes and in riotous demonstrations which threaten the very stability of the Government. In nearly all important wine producing countries the authorities attempt to answer the question by legislative enactment. The American wine-grower is still wondering whether it means the product of fermentation of cane or glucose sugar; apple cider colored and flavored; or the fermented product of grape juice.

Authoritative answer to this question is fraught with great consequences to the vineyardist who, after immense struggles with known and unknown diseases; with climatic and soil conditions, has finally arrived at the point where, after five to seven years of unproductive toil, he can grow grapes.

The Pure Food laws are ostensibly made for the protection of the consumer. Should they not also react for the benefit of the producer

Growers of grapes cannot successfully compete with other products which, if the mere alcoholic producing qualities alone are considered, can yield, by fermentation, from twice to three times as much as the same weight of grapes. When, therefore, they see a product sold under the generic designation of "WINE," labeled under the Pure Food laws in the most bewildering manner, they ask themselves, what is

"Sweetened Sherry Grape Pomace."

"Claret Grape Pomace."

"Claret Wine Modified."

"Sweetened Catawba Modified."

"Corrected Claret."

"Claret Wine, guaranteed under the Pure Food and Drug Act, containing one-tenth of one per cent. benzoate of soda and harmless coloring."

"Port Type, guaranteed under National Pure Food and Drug Act, containing harmless coloring and one-tenth of one per cent. benzoate of soda, sweetened with cane sugar and pure saccharine," and such other designations too numerous to mention as are found connected with wine, since the National Pure Food Law went into effect.

Cider, the alcoholic product of the juice of apples, whether or not assisted with added sugar, is not subject to the Revenue Laws, and can, therefore, be sold without license, so we find wine and the fermented product of other materials than apples sold in prohibition States as "Cider," and, in other States, we find the fermented product of apples, sweetened and colored, masquerading under the guise of "WINE."

If the fermented product of other fruits is privileged to be dealt in without Federal or local license, it seems unjust to the producer of fermented grape juice to be placed under such restrictions unless he is, in compensation, afforded protection from the competition of other like beverages containing alcohol derived by fermentation.

So far the Pure Food Law has not operated to the benefit of the maker of wine exclusively from grapes. This product, in order to comply with the Regulations in relation to preservatives or anti-ferments, must be racked and handled until it will stand clear and remain sound on its own merits, and he, meets, in the markets, at prices with which he cannot successfully compete, wines into which (by



Then, by the operation of the Pure Food Law in States where uniform legislation has not been enacted, the inhibition of the National Pure Food Law covers only goods in the original packages; immediately bulk is broken; the product in subsidiary packages can be labeled in any way that the fancy of the distributor may dictate. The most important auxiliary of the Pure Food Law will be uniform enactments in the States which will automatically give effect to local laws where the authority of the National Government over Inter-State Commerce ceases.

In a recent article in the Chicago "RECORD-HERALD," Mr. Otto Ericson, President of a large retail grocery house, summed up this question very succinctly as follows:

"The Federal Law represents the deepest wisdom of the present day on this subject. It is a sane, carefully considered, common sense piece of legislation. If the manufacturing and jobbing interests of the country are to be properly protected, and the best possible results are to be secured by the people, future legislation in all the States should consist only of re-enactment by the State Legislatures of the Federal Law.

"To be sure, some minor defects have been found and others probably will be developed, but this would be true of any piece of legislation."

"An advantage of National and State legislation would be that the construction of the law and Court decisions bearing thereon, secured by the Federal Government, would be available by, and probably would be taken as the final authority in the different States. The new National Law is a great thing for the American people; let us have the full benefits under it by shaping all State legislation on the same line."

The making of pure wines is one of the simplest processes known. There are no secrets or dark chamber mysteries about it and those who try to throw such around it are generally "fakers."

In Dry Wine-making, that is to say, Red and White Wines of the French, Italian and German types, the only requisites are cleanliness and watchfulness.

The grapes are crushed and stemmed and conveyed to the fermenting tanks and, in the case of Red Wines, allowed to ferment on the skins to draw the color, while White Wines are drawn off as soon as the fermentation has proceeded sufficiently to allow a separation of the juice from the pulp.

Temperatures must be carefully watched to guard against either running up to a point where healthy ferments suffer and unhealthy ones develop; or going below a point where healthy activity ceases. Such contingencies are met by mechanically cooling or warming the musts, and in districts where fermentation is difficult or uncertain, selected, cultivated Wine Yeasts are employed.

As soon as the first fermentation ceases, the wine is drawn into closed tankage where, in the succeeding months, the secondary or final fermentation takes place.

Thereafter, it is merely a question of careful storage, racking and filling up of the wines until maturity permits of their remaining clear for commercial use.

In Sweet Wine-making, the grapes are crushed as in Dry Wine-making, but in order to preserve the sweetness, the juice is drawn off when fermentation has proceeded to the point desired and grape spirits is added to arrest further action.

Sherries are made by heating the wine, either by sun or artificial heat, in packages of various capacity, for the requisite period.

Of course, wine-making, like any other operation, needs experience, but, as before stated, the processes are extremely simple. The handling of wine, its storage, racking, tasting and testing, blending and bottling, also need the knowledge of experience, but neither mystery nor secrecy are necessary to the business.

In connection with this paper, I am submitting a Table of Analyses of Typical California Wines, copies of which are at the disposal of members of this Convention for their information and future reference.

The only protection, other than the Tariff, which the grape-grower needs is an authentic and authoritative designation of "WHAT IS 'WINE'?", on similar lines as the question, "What is BUTTER?" has been answered.

The making of excellent wines is not confined to any particular locality in the United States; there is neither West nor East; North nor South, to the American wine industry. It is all one. As excellent wines can be made in New York State as in Rheims or Epernay in France; along the Ohio as along the Rhine; in Missouri, Virginia,

Florida, or North Carolina, as in districts elsewhere; in California as in France, Italy, Spain or Portugal.

Given the protection which the Pure Food Laws are designed to insure, there will be no incentive to adulterate with other substances.

It is true climatic conditions in the ripening of grapes enter into the question of wine-making in certain districts, but these difficulties, which are now surmounted in the manner most economical, would be otherwise met if the fear of competition of "Near" Wines did not deter the use of more expensive methods.

In California, the Legislature, at a recent session, has, by a most simple and direct measure, practically assured the world of the purity of its wines. The enactment in question, known as the "Wine Nomenclature Bill," provides that pure wines may be identified by the prefix "Cal" or "Cala" to the name of each wine and that no wine, under the most drastic penalties of fine and imprisonment, can be so marked unless it is "Pure Wine, manufactured in this State from the juice of the grape."

This, in conjunction with a general Pure Food Law, closely following the National Law, which was adopted at the same session, enables dealers and consumers by demanding this simple branding of their purchases, to assure themselves of the absolute purity of wines shipped to them from California, under the practical guaranty not alone of the shipper but of the State itself.

California's wonderful climate, probably unequalled in the civilized world for grape production, makes the manufacture of wine easy and certain and the great fertility of its vineyards makes the cost so reasonable that there should be neither excuse nor incentive for adulteration.

The only drawback is the distance of California from the consuming centers which makes the transportation of wine very expensive. This disadvantage will be lessened with the completion of the Panama Canal. In anticipation of this, immense wine storage establishments are being erected on the shore of the Bay of San Francisco, whence wines can be drawn direct into tankage on board ocean-going vessels; thus also minimizing the daily enhancing cost of shipping coöperage.

In the not far distant future, the consumer should be able to procure pure, sound, healthful California Wines in every center at a price little if any more than bottled mineral water or beer.

If the same freedom from Revenue restrictions and CRITICISMS IN THE FAMILY were allowed to the naturally fermented product of the fruit, GRAPE, as is allowed to the alcoholic product of the fruit, APPLE, the grape-growing areas of the United States would be rapidly covered with vineyards, and the industry, which now has a capital engaged of over one hundred million dollars, might require the resources of a United States Steel Corporation to carry on its business.

Meantime, encouraged by the prospect of protection under the Pure Food Laws covering correct labeling, grape-growers are turning greater attention to the production of the finer varieties which, while giving a lighter crop than the commoner vines, yield a quality of wine which when properly handled and matured will give American vintages, under distinctive names, in original packages from producer to consumer, as great a vogue as the "Chateau," and "Schloss" and "Champagne" wines of Europe.

There is no industry which has appreciated and looked forward to the benefits to be derived from the application of Pure Food and correct labeling laws more than the American grape and wine growing industry, which will, at all times, be found anxious and desirous of co-operating with National and State officials in their endeavors to fairly construe and apply these laws.

## THE PREPARATION OF TOMATO CATSUP WITH AND WITHOUT PRESERVATIVES.

CHARLES F. LOUDON, TERRE HAUTE, IND.

After a careful consideration of the matter, I have concluded that it is not advisable to attempt a final discussion of the subject assigned to me—The preparation of Tomato Catsup with and without preservative—at the present time, for the reason that the preparation of catsup without preservative is still in the experimental stage and also because we are without authentic information as to the effect of the use of foods which contain a minimum quantity of preservative and which are used at infrequent intervals as catsup is.

In common with other packers in this line, we have been



merely so marking them on the original package) other constituents and preservatives are permitted to enter. experimenting with a view to producing a catsup free from preservative, that would be of satisfactory flavor and keeping quality, and while we find that goods so prepared may be sterilized after sealing, so that they will keep until the packages are opened, the results of our experiments, so far, do not warrant us in saying that the goods will keep sound and sweet (under the ordinary conditions of usage) long enough to be satisfactory to the consumer and long enough to avoid possible risk in their use.

Consumers demand a catsup that is sweet in flavor and the use of sugar to produce that result, means the introduction of a substance that increases the tendency to fermentation when goods are exposed to the air—we have always held that any moist vegetable preparation—especially one in which sugar is used—would ferment and mold on exposure to the air unless a preservative of some kind is used. We believe this to be a simple chemical problem and that any practical chemist will confirm this view of the matter. If we are correct in this, it becomes a question of probable risk to the consumer who uses goods without preservative. One of the greatest authorities on internal medication—Dr. Brunton of London, England, in reply to an inquiry addressed to him by the London Lancet writes as follows: "One must remember that poisons are formed in foods by spontaneous decomposition which may take place after purchase. The question to be decided comes to be whether antiseptics are likely to be more injurious to health than the natural products of decomposition. My own belief is that preservatives are less injurious." This conclusion seems to us most reasonable, especially as applied to catsup—an article that is used in small quantities and at infrequent intervals, so that the amount of preservative one can consume, must necessarily be exceedingly small. We hold that the question of injuriousness of preservative of any article in foods, cannot be determined unless the question of amount and frequency of use is taken into account. We cannot agree with the conclusion reached by Dr. Wiley in his "poison squad" experiments, from the fact that the published records of these experiments show that the doses of preservative were increased daily until the "limit of toleration" was reached and the admission is made that in some cases the young men experimented on were made ill by the quantities of preservatives given them. It is self evident that if sufficient preservative were given to make one ill, or even if the amount of preservative administered daily was increased until the limit of toleration was reached, the result could not fail to be injurious, but we cannot see why ill effects obtained by the administration of excess amounts of preservative should be regarded as reasonable ground for condemning the use of such preservatives in small amounts. Would it not be just as reasonable to condemn sugar or salt or alcohol, any one of which will produce sickness if given until (to quote Dr. Wiley's circular on the borax experiment) "the limit of toleration is reached?"

We have on numerous occasions seen catsup which was prepared without preservative served to consumers at hotels and restaurants, in a state of active fermentation, which passed unnoticed, owing to the acid character of the goods, and we are positive that such goods cannot fail to be more injurious to people eating them, than sound sweet goods containing a quantity of preservative barely sufficient to prevent fermentation after exposure to the air. The statement has been made by some concerns that their "no preservative" goods cannot be made to ferment under the severest tests—the fact that goods of this character cannot be made to ferment, we regard as proof positive that an antiferment of some kind is present and we believe that every practical chemist will agree with us.

We are, however, still experimenting, in the hope of producing a catsup without preservative, that will keep a sufficient length of time after opening to be satisfactory to consumers and safe for their use and we are confident that every reputable packer will be glad to put out such goods if they can be made. In as much as the Secretary of Agriculture has given us time in which to experiment on this matter, we hope to reach a satisfactory result in the coming season's work, but unless we find some way of preparing the goods so that they will keep sound and sweet under the ordinary conditions of usage, we feel that the better plan both from a sanitary and financial point of view, will be to continue the use of a minimum and definitely fixed amount of benzoate of soda, the same to be clearly and distinctly shown by a label on each package, so that consumers may have full notice of the presence of the preservative.

Chas. F. Loudon.

## CONGRESSMAN TAWNEY REPLIES TO NEEDHAM.

Government, a Boston magazine, recently published an article by Henry B. Needham of "the people's lobby," in which the course of Representative James A. Tawney was criticized and his motives impugned for his action in connection with the last agricultural appropriation bill. Mr. Tawney wrote to Government a reply to the article, but the magazine failed to print it. Following is Mr. Tawney's communication:

MR. TAWNEY'S LETTER.

Winona, Minn., September 10, 1907.

Mr. John F. Bonyon, Editor Government, Boston, Mass.:

Dear Sir—It was with much interest that I read the editorial in the August issue of Government on the people's lobby, and the justification for the existence of this self-created organization as described by Mr. Henry Beech Needham, its chief beneficiary. If you were as familiar with the facts in all the instances cited by Mr. Needham to prove the necessity of this self-styled people's lobby as you are with its defense of "statutes which have established a dangerous, press censorship in this country," your conclusion as to the entire work of this self-created "third house" would be the same as it is in respect to their defense of the statutes referred to.

It is not my purpose to discuss the People's Lobby, its methods or the real reason for its existence, but since my name has been used by Mr. Henry Beech Needham, the People's Lobby, in his article, in connection with the amendment offered to the last agricultural appropriation bill and in a publication of the character and standing of government, and used in a way, too, that would naturally create the impression that I was either unfriendly to the pure food law or the tool of those who opposed its enactment, I feel justified in giving you the facts in respect to this amendment and my purpose in offering it.

The Congressional Record discloses all this, but that is something the so-called People's Lobby never refers to or uses except when it thinks it can injure some one by so doing

LEGISLATION FOR PURER FOOD.

That you may know what my attitude toward the pure food law and toward pure food legislation generally is, and has been, and to correct the error of Mr. Henry Beech Needham, the People's Lobby, when he says that "it was seventeen years before a bill of this character (a pure food bill) was accorded a vote in the United States Senate." I will say that it was in the Fifty-third Congress that I, as a member of the House of Representatives, wrote and secured the passage of the bill that has practically destroyed the manufacture of "filled" or adulterated cheese. In the Fifty-fourth Congress I prepared and secured the passage of the bill that has entirely destroyed the business of manufacturing and selling adulterated flour, and in the Fifty-seventh Congress I led the fight in the House which finally resulted in the passage of the bill that has put a stop to the fraud practiced upon the American people, and especially the poorer classes, of manufacturing and selling eleomargarine for butter.

No one will find fault with Mr. Henry Beech Needham, the People's Lobby, for not knowing that these three bills passed both houses and were "accorded a vote in the Senate" long before the pure food bill became a law, because he was not then old enough to know the value to him and his associate of a People's Lobby, and since arriving at that age he has not cared enough about the truth or the facts in respect to proposed legislation to inquire, but just assumes that until the People's Lobby created itself for the purpose of advising Congress what to do Congress was incapable of enacting wise legislation upon this or any other subject.

AGRICULTURAL BILL AMENDMENT.

The pure food bill passed by the Fifty-ninth Congress I worked and voted for. The amendment to the agricultural appropriation bill referred to by Mr. Henry Beech Needham, the People's Lobby, in his article was offered by me and adopted by the House. It was intended only as a limitation upon the appropriation for enforcing the federal pure food law and to insure the efficiency of that enforcement. The amendment was as follows:

"Provided, that no part of this sum shall be used for the payment of compensation or expenses to any officer or other person employed by any state, county or municipal government."

Its purpose was not, as Mr. Henry Beech Needham of the People's Lobby then said and now reiterates, "to impair the



efficiency of the pure food law." Its purpose was to insure the efficiency of that law and make certain its enforcement by employing for that purpose only those whose responsibility would be to the federal government alone, and to prevent the employment of those whose responsibilities would be divided between the federal and state or other local authority, and whose positions as state or other local officers had been secured, no doubt, as a political favor upon the recommendation of men in the community where they were employed and served. This amendment did not propose to limit the department in the number of men to be employed in the enforcement of the federal pure food law, nor the amount of their compensation nor the extent of their knowledge or intelligence. Now, then, could Mr. Henry Beech Needham or any one else charge that it was offered "to impair the efficiency of the pure food law?" The only limitation upon the department in this respect was in the aggregate amount of the appropriation, which my amendment did not change. The amendment proposed only to limit the department to the employment of men outside of state, county or municipal employes, and thus prevent the possible duplication of salaries, the inefficient enforcement of the federal law that must result from a divided responsibility and local influence exerted upon local employes, and also to prevent the states from ultimately shifting upon the federal government the duty, as well as the expense, of enforcing state pure food laws as well as the national law.

#### ESTABLISHING A POLICY.

At the time of offering this amendment the Agricultural Department had not established any fixed policy with respect to the enforcement of our national pure food law. It had had no opportunity to do so for the reason that it had no appropriation for that purpose except a small appropriation to aid it in effecting a pure food organization in the department at Washington. I deemed it essential, therefore, that at the very threshold of the enforcement of this law the federal government should adopt a plan that would insure its efficient enforcement. This the government is abundantly able to do and pay for without relying or calling upon the states, the counties or other municipalities to aid in this work. Before offering the amendment I consulted with my colleagues on the committee and with many other members of the House. I had learned from statements made before my committee what policy the department contemplated in respect to the enforcement of this law. I differed with that policy for the reasons I have given, and believing that the federal government should and could enforce its own laws independent of the states or other municipal agencies I offered the amendment for that purpose and it was adopted by the House.

Did Mr. Henry Beech Needham call on me and inquire as to my motive or purpose in offering this amendment before publishing broadcast the screed he did, in which he characterized the amendment as "Tawney's Joker," and in which he impugned my motives and insinuated that the amendment was offered at the dictation of private interests? Oh, no! That is not the policy of Mr. Henry Beech Needham, the people's lobby at Washington. Had he done so, he might have been convinced of my good faith and sincerity, and convinced also that the policy for the enforcement of this important legislation proposed by this amendment would be more efficient than the policy proposed by the department, in which case he would have lost the opportunity of trying to make the public believe that the people's lobby was earning the contributions it receives from honest and intelligent, but misguided men.

#### DOES NOT BAR WITNESSES

The claim made by Mr. Henry Beech Needham, the people's lobby, that this amendment would deprive the government of the opportunity of obtaining witnesses to prove violations of the national pure food law, is on its face so ridiculous, and is the evidence of so much ignorance on the part of him who makes it, that it should entirely destroy itself as an argument against the amendment. The courts, both federal and state, could issue their subpoenas and secure the attendance of any witnesses under the limitation proposed by my amendment, as well as they could without it. This every man of ordinary common sense knows, and the fees of all witnesses called to prove violations of this law would be paid by the United States marshals from the same appropriation that all other witness fees are paid when such witnesses are subpoenaed on behalf of the government in any other case.

If Mr. Henry Beech Needham, the people's lobby, cannot cite instances to prove the necessity for its existence more valuable than this one, it will not require a great length of

time for the press, the general public and the contributors to its maintenance to see the true reason for its existence and the real beneficiary of this self-created organization.—*The Evening Star*, Oct. 24, 1907.

[ED.—The Tawney amendment designed to protect the government, although defeated by a false hue and cry raised by government officers lives in many of the states of the Union in constitutions adopted long before Mr. Tawney or his traducers were born.

Thus that of Illinois reads:

*"Nor shall any person holding any office of honor or profit under any foreign government or under the government of the United States (except postmasters whose annual compensation does not exceed the sum of \$300) hold any office of honor or profit under the authority of this state."* (Part of Section 3, Article IV, Constitution of Illinois.)

We see no good in deflection of work and interest from the state to the government not more than counterbalanced by the loss of time and effectiveness for which the state is paying, and we therefore, as citizens of Illinois, will contest any effort on the part of state officers in Illinois to violate the constitution of the state of Illinois in trying to serve two masters at two salaries.]

#### A SUSPICIOUS ORGANIZATION.

"Some have been suspicious of this organization," naively remarks the Chicago Evening Post, referring to that impudent and impotent thing called the People's Lobby. It presents its argument this way:

"If every voter in the country could have a seat in the House and Senate galleries at Washington a modern miracle would be worked in the methods of the national legislature. Bills the people want would not be strangled in committee and bills the people do not want would not survive. Our Congressmen and Senators need 'a boss on the job' at times, even as the men who dig in the streets."

It is not worth while to waste much space on the People's Lobby, except to label it a sham. It has the seeds of death in it, and will not live long to affront sensible Americans. If the People's Lobby is to "boss the job," and see that Congress does its duty, who is to watch the People's Lobby? Congressmen are under oath; the lobbyists are not. Congressmen are out in the open. The lobbyists burrow in secret. Congressmen are hired to work for the public, and they do it to some extent. The People's lobbyists work the public for themselves.

Among those who are "suspicious of this organization" is the Washington Post. The conception of the People's Lobby is wrong and its operation is vicious. It is conceived on the presumption that Congressmen are traitors to their oath and are merely scheming to rob the people. This is not only untrue, but it is insulting to the people who have elected the Congressmen. Then the People's Lobby sets itself up as better than Congressmen—as organized and vigilant honesty—and proposes to watch them and spur them to their duty. This is a vicious attempt to fasten an extra-official and parasitical body upon the public—a go-between, a pander in an alleged good cause. No thoroughly honest man sets himself up as more honest than his neighbors. Such a pretense is usually a signal that a hypocrite and trickster is at work.

The American press is fully represented in Washington. It has representatives here from every corner of the Union. These men are unpurchasable. They have no axes to grind. They are here to tell the truth, and they tell it. The people know what is going on in Washington, and that is sufficient. No "People's Lobby" or other underground and skulking methods are required. Congress, watched by the press, performs its work in the light of day.

The "People's Lobby" must be paid for by the people or it must make its living by graft. If the public pays salaries to anybody to "watch Congress," it is merely a victim of graft. If it tolerates a lobby in its name which lives off of others, it is a party to graft.—*Washington Post*, Nov. 3d.



# Chemists in Open Revolt Against Wiley.

The following article was published in the New York Times of Nov. 9, 1907:

## CRITICISE WILEY'S RULINGS.

Chemical Society Asks Secretary of Agriculture to Drop Them.

The New York section of the American Chemical Society met last night at the Chemists' Club, 108 West Fifty-fifth Street, and passed resolutions condemning the rules and regulations of the Department of Agriculture issued from time to time by Dr. H. W. Wiley, Chairman of the Board of Food and Drug Inspection.

The resolution adopted was introduced by Dr. H. Schweitzer of 66 Lafayette Street, and after being revised by the Executive Committee was passed by the section without comment or discussion. After stating that the chemists of the New York section have no confidence in Dr. Wiley's rules the resolution continues:

RESOLVED, That we respectfully request the Secretary of Agriculture, of the Treasury, and the Department of Commerce and Labor, who are given authority to administer the law, to suspend the publication of these decisions temporarily and before taking further steps to consult with a committee of experienced chemical manufacturers and scientists.

The only point discussed was the advisability of sending Dr. Wiley a copy of the resolutions, but it was decided not to do so.—(New York Times, Nov. 9, 1907.)

Upon investigation of the facts above stated it was found that not only the New York branch of the American Chemical Society, the leading section of the only American society of chemists, but the New York branch of the Society of Chemical Industry, an international organization, which includes all the industrial chemists in this country except those members of the New England section, passed resolutions condemning the official actions of Dr. Wiley and demanded that his activities be suspended pending an investigation by Secretaries of Agriculture, the Treasury, and Commerce and Labor.

The following is the verbatim copy of the resolutions as adopted by each society:

(Resolutions adopted at the meeting of the New York Section American Chemical Society, held Friday, Nov. 8, 1907.)

WHEREAS, The Food and Drugs Act of June 30, 1906, is generally approved and in the opinion of the New York Section of the American Chemical Society it is one of the most important measures which has been taken for the protection of the public; and

WHEREAS, On the other hand, we cannot but feel that the Rules and Regulations published from time to time by the Department of Agriculture, for carrying out the provisions of this act are not in full accord with the knowledge and experience of some of the members of this section, who are experts in these matters, and inasmuch as there is a conscientious difference of opinion concerning the same; therefore be it

Resolved, That we respectfully request the Honorable Secretaries of Agriculture, the Treasury, and Commerce and Labor, who are given the authority to administer this law, to suspend the publication of these decisions temporarily, and before taking further steps in this direction to consult with a

carefully selected committee of experienced chemical manufacturers and scientists, recognized as authorities in these fields.

(Resolutions adopted at the meeting of the New York Section, Society of Chemical Industry, held Friday, Oct. 25, 1907.)

WHEREAS, The Food and Drugs Act of June 30, 1906, is generally approved of by the chemical world, and in the opinion of the New York Section of the Society of Chemical Industry is one of the most important measures which have been taken for the protection of the public; and

WHEREAS, On the other hand, we cannot but feel that the Rules and Regulations published from time to time by the Department of Agriculture, for carrying out the provisions of this Act, show frequently a lack of expert knowledge of the facts in the particular case and an apparent failure to consider at all the interest of the manufacturer; therefore be it

Resolved, That the Secretary of Agriculture, the Secretary of the Treasury, and the Secretary of Commerce and Labor, who are given the authority to administer this law, be requested to suspend the publication of these circulars at present, and before taking further steps in this direction to consult with a carefully selected committee of experienced chemical manufacturers and scientists, recognized as authorities in these fields, since a broad knowledge of the several branches of chemistry and commercial usage and conditions seems to us to be necessary for those who are to establish these regulations. As such conferences are the rule in the European countries where laws affecting important industries are to be enforced, we believe this plan should also be followed here.

Comment on these resolutions is unnecessary. They but voice the sentiments so frequently expressed in this Journal, from the first number to the present issue, but when the strongest and largest sections of the two greatest organizations of chemists in the country adopt resolutions of this character, is it not time the American people, as represented by its officials and newspapers, take cognizance of the real state of affairs as told by the chemists of the country instead of forming their opinion from the scientific fish stories to which they listen with such open-mouthed wonder and admiration.

## STATE FOOD CONTROL OFFICIALS INSPECT INDUSTRIAL ESTABLISHMENTS.

After attending the National Dairy Show and Corn Exposition held recently at Chicago, a party of food control officials, embracing Hon. A. H. Wheaton, commissioner, and Prof. J. H. Shepard, chemist, of the Food and Dairy Commission of South Dakota; Hon. H. R. Wright, Dairy and Food Commissioner of Iowa; Hon. B. G. D. Bishopp, Dairy and Food Commissioner of Colorado; Hon. R. M. Washburn, Commissioner, M. H. Lamb, Deputy Commissioner, F. L. Austin, Secretary, Lewis E. Cline, Chemist, of the Missouri Dairy and Food Commission; Hon. John McCabe, Assistant Dairy and Food Commissioner of Minnesota; Prof. Wm. McPherson, Chemist of the Ohio Dairy and Food Commission; Hon. H. E. Schucknecht, Assistant Commissioner, Dr. T. J. Bryan, State Analyst, T. H. Nehls, Assistant Chemist, of the Illinois Food Commission; journeyed to Davenport, Iowa, via the Chicago, Rock Island and Pacific Railroad on Friday, Oct. 17, 1907, the guests of Mr. C. L. Glass and Dr. T. B. Wagner of the Corn Products Mfg. Co., for the purpose of inspecting their syrup mixing plant and where many thousands of bushels of corn are daily made into their world-famous "Karo" brand of corn syrup.



The delegation was met at the station by the local superintendent who had a special trolley car in waiting to conduct the guests to the establishment. Upon arriving at the office of the company Dr. Wagner made a brief statement explaining the process of the manufacture of the various products, he invited the members of the party to make any inquiries of the employees or to make such private inspection or investigation as they might deem fit remarking that he would be pleased to have criticisms on the sanitary arrangements or the purity of their method of manufacture. The party spent about three hours in a thorough inspection beginning at the point where the beautiful yellow dent corn of Illinois and Iowa was dumped into the enormous hoppers and from which point the party followed the different processes to the final filling, labeling and packing of "Karo Corn Syrup" into the cans.

From the expressions of the members after finishing the inspection, they were elated over what they saw and voted that "Karo Corn Syrup" was all right.

The party was then given an automobile ride to Rock Island, Ill., visited the United States arsenal and were later entertained at the Guard Hotel with a substantial repast. At this point the party became the guests of Mr. F. Diehl, of Grommes & Ullrich, Chicago, one of the most prominent wholesale liquor houses in the United States. Under his guidance the delegation took the train Friday evening for Peoria where they arrived about midnight.

At Peoria, the party was joined by Charles Zahn, of Chas. Zahn & Co., Mr. Thomas Dennehy, of Chas. Dennehy & Co., and Mr. M. W. Murphy, of Delaney & Murphy, President of the Illinois Liquor Dealers' Association, all of Chicago.

In the morning the party was taken in charge by a committee of Peoria distillers consisting of representatives of Corning & Co., Clarke Bros. & Co., and Woolner & Co., and were taken in touring cars to the various distilleries to investigate the conditions under which Peoria makes its whisky.

The delegation first visited Corning & Co.'s plant said to be the largest distillery in the world, and from there went to Woolner Co.'s, and finished the inspection trip by visiting Clarke Bros. & Co.'s plant, which is the largest straight whisky distillery in the world.

After a thorough inspection it was unanimously agreed that the methods employed by the Peoria distillers were highly satisfactory, and, as one of the commissioners stated, at the luncheon given at the Country Club following the inspection:

"We were practically unanimous in finding out that the adverse comment made in regard to conditions at Peoria, were without foundation. I was surprised at the magnitude of the industry here, and I am frank to say that my new impressions are the much more favorable ones. I am sure my sentiments are the same as those of the other members. I learned enough to convince me that I want to come again."

Another commissioner said:

"We have learned nothing new during the visit but find that a visual demonstration had been of inestimable benefit."

Two other members of the party stated that they would return to Peoria in the near future in order to make a more complete study of the local distilleries.

The party returned to Chicago Saturday night, and every one voted a hearty appreciation of what they had seen.

On Oct. 19, 1907, the gentlemen composing the party were tendered a dinner at the Chicago Athletic Club by local business and manufacturing establishments. After the dinner a general discussion and exchange of views took place which doubtless will lead to a better understanding between the food control officials and the manufacturers.

THE AMERICAN FOOD JOURNAL hopes that meetings of this kind, whereby the food control officials can be taken directly to the manufacturing establishments and the methods and processes be explained to them, will result in a better relationship among all concerned and lead to a just enforcement of the purefood laws of the different states.

### ALL HAIL THE PEANUT!

Professor Allen of Elgin, having given more time and thought to the study of his subject, perhaps, than is generally given by those who take to the stage as a means of exploiting their views, is coming to Chicago soon for the purpose of lecturing on the Peanut.

It is Professor Allen's idea that if the Peanut were better known it would be more highly esteemed, and his object in lecturing before us is not to gain mere notoriety, nor yet to acquire mere wealth, but to acquaint us with the numerous good qualities of an article of food which in the past has been eaten at circuses and baseball matches more for recreation than for nourishment.

Peanuts are now eaten with no regard whatever for principle. Usually they are eaten by people during periods of mental abstraction. Almost invariably they are eaten in a mechanical manner.

A man buys, for instance, a 5 cent bag of Peanuts, and, if it be at the circus, hands it over to the woman beside him, while he is looking in another direction. The woman beside him takes out one or two or maybe three Peanuts, while looking around, and hands the bag back to the man beside her who made the purchase, and he picks out one, two, or three Peanuts, the number depending entirely on the sense of touch, and looks around him until he throws the bag back on the woman's lap.

Then both, while looking around, and while paying no attention whatever to the Peanuts, crack the shells and eat the kernels. And this keeps up until the bag is exhausted. Then the man buys another bag, and so on to the end of the performance.

Practically the same procedure obtains at the ball game, although here the man who buys the Peanuts eats them himself, but he never looks at the bag, never looks at the Peanut, and really does not know or care to know what he is doing.

Nobody was ever known to look at the kernel of a Peanut before putting it in his mouth. Nobody was ever heard to say whether a Peanut tasted good or bad. Nobody was ever seen to look at a Peanut while breaking the shell. Nobody was ever seen to notice where he placed the Peanut bag, or to do more than feel for it when he wanted more Peanuts.

Professor Allen would have an end put to this. There is no more nutritive, no purer, article of food, he contends, than the Peanut, if it is only eaten in the right way. The mind should not be permitted to wander the moment one buys a bag of Peanuts. On the contrary, the moment one picks up a Peanut with the intention of eating it the mind should be concentrated upon it. It must not be picked out of the bag or out of the pocket unconsciously, as one picks out a caramel or a clove. It should be picked up with deliberation, held before the eyes, taken seriously, and, after swalling, it should be talked about and commented upon, not as something that has passed away from us for good, but as something we may reasonably expect to hear from again.

For, if the Peanut be treated half respectfully, we infer, it will soon begin to make itself felt as an invigorating, stimulating, and uplifting influence.

Professor Allen, as we understand it, will deal with the past, present, and future of the Peanut; with the small part it has played heretofore in our social and political history, as well as with the larger part it may reasonably be expected to play when we shall have succeeded in reducing everything to a Peanut basis.—Chicago Inter Ocean.



### THE WORLD'S PURE FOOD EXPOSITION

Chicago's World's Pure Food Exposition will be formally opened to the public to-morrow (Saturday) night, November 16, at 8 o'clock, when Mayor Busse presses the button which flashes on a myriad of decorative incandescent lights and starts the miniature airship whirling about the top of the Eiffel Tower. The exposition is a distinct novelty. As a spectacle it will surpass anything ever held in the huge Coliseum building.

Women throughout the city of Chicago have worked for months to make the First Annual World's Pure Food Exposition the greatest ever held. Beginning with the formal endorsement by the Chicago Women's Club which appointed a committee of five of its members to act in conjunction with the Commission on Children's Foods, one organization after another has come out and worked for the pure food cause, which the exposition represents.

Dozens of charitable organizations have benefited by the offer of the exposition company allowing them to sell tickets. The Pure Milk Commission of the Children's Hospital Society, the School of Domestic Arts and Science, the Jackson Park Sanitarium, St. Xavier's Academy, Chicago Industrial School for Girls and many others are among the organizations in which women are particularly interested, which have endorsed the exposition.

Before the exposition opens its doors fully 100,000 tickets will have been sold through various charitable organizations and to exhibitors.

The great features of the exposition are the Street of All Nations, lined with shops of every time and country, and a miniature Eiffel Tower, which rises to a height of fifty feet in the middle of the building and around the top of which sails a miniature airship.

The following is a list of exhibitors who will display their wares:

- Allen's Boston Brown Bread.
- Andrea Agosto & Co.
- American Food Journal, Chicago.
- Anheuser-Busch Brewing Association.
- American Laboratories.
- Arcady Farm (Arthur Meeker), Lake Forest, Ill.
- The Boston Store, State and Madison Sts., Chicago.
- Broman-Gelan, 83 River St., Chicago.
- The Block Light Co., 136 E. Lake St., Chicago.
- Burke, E. & J. Co., Ltd.
- California Wine Ass'n, 180 Townsend St., San Francisco.
- Calumet Baking Powder Co., Ohio and St. Clair Sts., Chicago.
- Clysmic Spring Co., 251 5th Ave., New York.
- Geo. J. Cooke Company, 43-55 S. Green St., Chicago.
- Chicago Biscuit Co., 60 N. Desplaines St., Chicago.
- Mrs. V. Cellos, 629 W. Van Buren St., Chicago.
- N. G. Conyboar, 40 River St., Chicago.
- The Craftsman's Guild Kitchen, Victoria Hotel, Chicago.
- T. A. Crossey, 80 Delaware Pl., Chicago.
- Dwinell-Wright Co., 57 Michigan Ave., Chicago.
- Francis Draz Co., Hartford Bldg., Chicago.
- The Fair, State and Adams Sts., Chicago.
- The Fair, State and Adams Sts., Chicago (hardware).
- Fred Miller Brewing Co., Milwaukee, Wis.
- Jelke Co., John F.
- Gibson Art Galleries, 151 Wabash Ave., Chicago.

Gt. Western Cereal Co., Railway Exchange Bldg., Chicago.

Hinckley & Schmitt, 132 N. Jefferson St., Chicago.

Kate E. Huntington, 1469 W. Congress St., Chicago.

John H. Hall, 372 Wells St., Chicago.

Hires Root Beer, 9 River St., Chicago.

International Banan Food Co., 4 Wabash Ave., Chicago.

C. Jevne & Co., 110 E. Madison St., Chicago.

Geo. W. Linn & Son., 103 S. Water St., Chicago.

The Middleby Oven Mfg. Co., 176 W. Adams St., Chicago.

Moneyweight Scale Co., 47 State St., Chicago.

Mannierre-Yoe Syrup Co., 309 Michigan Ave., Chicago.

McKinley Music Co., 158 E. Harrison St., Chicago.

Milk Commission, Children's Hospital Society.

Minnetonka Booth (Mrs. Fixen), Lake Bluff, Ill.

Moody & Waters.

New York Fruit Products Co., 450 E. Illinois St., Chicago.

New York Varnish Co.

National Bookkeepers' Ass'n, Platteville, Wis.

Pieser-Livingston Co., 235 Johnson St., Chicago.

Pleasant Valley Wine Co., Reheims, N. Y.

Scudder Syrup Co., 235 John St., Chicago.

Proctor & Gamble Co., 15 Michigan Ave., Chicago.

Quaker Oats Co., Railway Exchange Bldg., Chicago.

Rothschild & Co., State and Van Buren Sts., Chicago.

Schwarzschild & Sulzberger Co., U. S. Yards, Chicago.

A. Suzuki, 370 Clybourn Ave., Chicago.

School of Domestic Arts and Science.

Souvenir Vending Co.

Siegel, Cooper & Co., State and Van Buren Sts., Chicago.

P. Schoenhofen Brewing Co., Canalport and 18th Sts., Chicago.

Singer, M. D., & Co.

Western Cocoa Cola Bottling Co., Masonic Temple, Chicago.

Washburn Crosby Co.

Wing Chong Hai Co.

An interesting and novel feature of the Pure Food Show to be held at the Coliseum from November 16 to 23, will be a model farm. The exhibit will be that of Mr. Arthur Meeker, it being his idea to show his farm products, dairy and garden.

(The unfortunate destruction of Mr. Meeker's palatial residence by fire on the night of November 10 may interfere with his plans.)

Food officials are invited to make their headquarters while visiting the Exposition at THE AMERICAN FOOD JOURNAL'S booth.

### ACCORDING TO SCRIPTURE.

"Young man," said the clerical looking customer to the clerk at the book counter, "that purchase of mine amounted to one dollar and fifty cents, I believe."

"Yes, sir."

"Well, I gave you a two-dollar bill at least twenty minutes ago, and I haven't received my change back yet."

"Very sorry, sir," replied the clerk, "but you know what the good book says on this point." And politely handing the customer a Bible, he pointed to Job, fourteenth chapter, fourteenth verse: "All the days of my life will I wait till my change come."—*Bohemian*.



## TWO NEW AND IMPORTANT BULLETINS JUST ISSUED BY THE ILLINOIS FOOD COMMISSIONER.

### BULLETIN NO. 4.

Chicago, Nov. 14, 1907.

#### *Misbranding.*

It has come to the notice of this department that large quantities of foods are being placed on sale in this state which are not being labeled with the true name of the manufacturer, jobber or dealer selling same. Under Section 9 of the law defining misbranding, paragraph 4 reads as follows: "That for the purpose of this act an article shall be deemed misbranded: If it be a manufactured article of food or food sold in package form, and is not distinctly labeled, marked or branded with the true name of the article, and with either the name of the manufacturer and place of manufacture or with the name and address of the packer or dealer who sells the same."

That there may be no misunderstanding as to what is included in the term "Food," we quote Section 7 of the law which defines food as follows:

"The term 'food' as used herein, shall include all articles used for food, drink, confectionery or condiments by man or other animals, whether simple, mixed or compound, and any substance used as a constituent in the manufacture thereof."

There is no good reason why this law should not be fully complied with, and this circular is issued as a special warning to manufacturers, packers, jobbers and retail dealers in all foods, confectionery and liquors, etc., not to ship or sell goods in this state which are not labeled as above required, and that prosecution must and will follow failure on their part to comply with the provisions of the law.

ALFRED H. JONES,  
State Food Commissioner.

### BULLETIN NO. 5.

Chicago, Nov. 14, 1907.

#### *Baking Powder.*

During the past few months this department has collected samples of a great many of the various brands of baking powder being sold in this state, and it has been found that a very large percent of the samples do not meet the requirements of the law.

In the case of baking powder Section 13 of the law makes two specific requirements, viz.: "That the common names of all the ingredients be printed on the label (for size of type see Section 37), and that the baking powder shall contain not less than 10 per cent of available carbon dioxide." This latter requirement when put in the language of the housewife, means the strength or leavening power of the powder and in proportion as this is reduced, from whatever cause, the value of the powder is reduced.

It is in this respect that much of the powder examined fails to comply with the law, some going as low as 1 per cent, and in a great number of cases it developed at the preliminary hearings that the retailers had had the powder on hand a long time, while in some instances it was claimed by manufacturers that the law being only a few months old, this provision of it had not come to their notice. But be the causes for understrength of baking powder what they may, the law does not allow for old age nor for ignorance of its provisions but clearly defines what is required at time of sale, and it behooves manufacturers, jobbers and retail dealers who desire to avoid violating the law to govern themselves accordingly. It is a well recog-

nized fact that baking powder deteriorates with age, especially when stored in a damp place, but in spite of this most manufacturers do their utmost to sell dealers a barrel when in fact they should not buy more than a case or a dozen, the usual "bait" held out to the dealer being some kind of a "deal" or "scheme."

Our suggestions to dealers who wish to avoid violating the law are as follows:

Don't get more than a three months' or at the utmost a six months' supply of baking powder in one shipment.

Don't store baking powder in a basement or other damp place.

Don't fail to get a guarantee from the manufacturer or jobber on all the goods you buy.

Don't place new goods in front of old goods on the shelf. It will cause you trouble.

ALFRED H. JONES,  
State Food Commissioner.

## BULLETINS BY OHIO FOOD COMMISSIONER. TO THE DRUGGISTS AND OTHERS CONCERNED:

I deem it advisable at this time to direct your attention to the following matters:

#### USE OF OBSOLETE FORMULAS.

The results of numerous analyses of samples of tincture of iodine and spirit of camphor taken up by this department indicate that many druggists are using formulas which are no longer official. Your attention is called to the fact that the eighth decennial revision of the U. S. Pharmacopœia, which became official September 1, 1905, is the edition recognized by the law and that all drugs and medicines sold under or by a pharmacopœial name or title must conform to the requirements of this revision. The edition of the National Formulary at present official is the third revised edition. Druggists and manufacturers who are not already provided with the latest editions of the U. S. Pharmacopœia and National Formulary should immediately procure them and conform to their requirements in the future.

#### MISTAKES IN TRANSLATING FORMULAS.

Several cases have come to light where mistakes have been made in transposing formulas given in metric weights and measures into apothecaries' weights and measures, with the result that the preparations thus made were not up to the standard. The possession of an inexpensive set of metric weights and measures would remove this source of error.

#### LIME WATER FROM TABLETS.

The examination of a number of samples of lime water prepared from tablets indicates that lime water so prepared generally does not correspond to the requirements of the Pharmacopœia. The pharmacopœial process should therefore be exclusively followed.

#### TINCTURE OF NUX VOMICA.

Samples of tincture of nux vomica have been taken which have been found to be materially deficient in alkaloid. Inquiry into the origin of such samples has generally revealed the fact that they had been prepared from a fluid extract or from an inferior quality of solid extract. This important tincture should be prepared from the official solid extract of full alkaloid strength.

#### TINCTURE OF OPIUM.

Since the great advance in the price of opium, numerous samples of the tincture have been found to contain much less than the required amount of alkaloid. Your attention is called to the fact that a preparation sold as tincture of opium or as laudanum must conform to the specifications laid down in the Pharmacopœia.

#### PROPRIETARY MEDICINES AND BEVERAGES CONTAINING ALCOHOL.

Proprietary medicines and beverages which contain alcohol in sufficient proportion to render them intoxicating, and do not contain a sufficient proportion of medicinal agents to prevent their being used as intoxicants, are deemed to be intoxicating liquors within the meaning of the law.

The sale of such preparations, except for medicinal purposes, upon the written prescription of a regular physician engaged in the practice of medicine, renders the seller liable to the payment of the Aikin liquor tax, and to all other restrictions placed by the laws of Ohio upon the sale of intoxicating liquors.

Beers, ales and porters, spirituous or vinous liquors, wheth-



er sold under their true names or under other names used as a disguise, should be sold in the manner prescribed by law.

Evidence received by this department indicates that the following preparations come within the class of intoxicating liquors as above defined, to-wit: Duffy's Malt Whiskey, Pabst Malt and Hops, "Swankey," Rye Phosphate, Prima Tonic, Hop Tonic, Ideal Tonic, "Beverage," "Rikk," Schlitz Malt Extract, "Ritz," hard cider, or cider artificially fortified by addition of alcohol.

Other preparations will be added to the above list when evidence is obtained sufficient to show that they should be classed as intoxicating liquors.

Trusting that I may receive your co-operation in the enforcement of the laws under the jurisdiction of this department, I am,

Very respectfully yours,

RENICK W. DUNLAP,

State Dairy and Food Commissioner.

October 31, 1907.

#### TO DEALERS IN VINEGAR:

The Vinegar Law as it now exists in force in this state for about fifteen years, and analyses made of samples taken up by the department recently show that a great portion of the vinegar sold in this state has been adulterated. On the 2d instant a meeting of the principal manufacturers supplying the market of this state was held at my office, and the vinegar law was fully explained and the attitude of the department to enforce the law was clearly stated.

#### WHAT THE OHIO LAW PROVIDES AS TO THE SALE OF VINEGAR.

First. (Cider Vinegar.) All vinegar sold as apple, orchard or cider vinegar must be the legitimate product of pure apple juice, known as apple cider, and must be made exclusively therefrom; it must not contain any foreign substance, drugs or acids, and must contain not less than 2 per cent by weight of cider vinegar solids upon full evaporation at the temperature of boiling water; and not less than 4 per cent by weight of absolute acetic acid. It must contain not less than .25 of 1 per cent ash or mineral matter, the same being the product of the material from which such vinegar is manufactured.

Second. (Fermented Vinegar.) All fermented vinegar of whatever character must contain not less than 2 per cent by weight, upon full evaporation (at the temperature of boiling water) of solids, contained in the fruit or grain from which said vinegar is fermented, and must also contain not less than .25 of 1 per cent ash or mineral matter, the same being the product of the material from which said fermented vinegar is manufactured; it must be made solely from the fruit or grain from which it purports to be or is represented to be made; must contain no foreign substance, and must contain not less than 4 per cent by weight of absolute acetic acid.

Third. (Distilled Vinegar.) All vinegar made wholly or in part from distilled liquor is distilled vinegar. All distilled vinegar must be free from coloring matter added during or after distillation and from color other than that imparted to it by distillation; the mixing of cider vinegar with distilled vinegar is a coloring of the same and is in violation of the law.

Fourth. (Injurious Ingredients.) No vinegar can be manufactured or sold which contains any preparation of lead, copper, sulphuric or other mineral acid or other ingredient injurious to health.

Fifth. (Branding.) All vinegar made by fermentation and oxidation without the intervention of distillation shall be branded "fermented vinegar" with the name of the fruit or substance from which the same is made.

All vinegar made wholly or in part from distilled liquor shall be branded "distilled vinegar"; all packages containing vinegar shall be branded on the head of the cask, barrel or keg containing such vinegar, and if sold in other packages, each package must be plainly marked with the name, the date of manufacture and the residence of the manufacturer, together with the other brands required by law.

Every person manufacturing cider vinegar shall brand on the head of each cask, barrel or keg containing such vinegar the name and residence of the manufacturer and the words "Cider Vinegar."

No vinegar shall be branded "fruit vinegar" unless the same be made wholly from apples, grapes or other fruit.

The Dairy and Food Commissioner desires to call the at-

tention of manufacturers, jobbers and dealers of vinegar to the above provisions of law, and to state that in the future all vinegar manufactured or sold in Ohio must comply with the provisions thereof.

In this regard retail merchants are admonished that they should in all cases only sell the vinegar for just what it is. All vinegar sold or delivered by the manufacturers hereafter should comply with the law and should be branded with the name of the vinegar, whether "cider fermented vinegar," "fermented vinegar" or "distilled vinegar" and with the date of manufacture, together with the name and residence of the manufacturer. All manufacturers having now on hand any vinegar which is not branded should see to it that the same is branded at once with the date of the manufacture, and in cases where the manufacturer is unable to give the exact date it should be branded as of the present time. Non-compliance on the part of the manufacturers with this law will be vigorously prosecuted.

All jobbers and retailers should remove from the market all vinegar that does not comply strictly with the provisions of the law before January 1, 1908, as it is the purpose of this department to begin inspection at that time. Prosecutions will be, after that time, begun against all violators of this law. Inspectors will begin at once to investigate manufacturers to ascertain whether any vinegar is hereafter put upon the market which is not properly branded.

I trust that I may have the co-operation of all manufacturers, jobbers and dealers in seeing that the law is obeyed to the end that these products may be pure and be sold for what they are represented to be and the end that there may be no discrimination in the sale of the same or the prosecution of violators.

Very respectfully,

RENICK W. DUNLAP,

State Dairy and Food Commissioner.

#### TO DEALERS AND OTHERS USING OLEOMARGARINE:

There seems to be such a lack of observance of the law regulating the manufacture and sale of oleomargarine that I deem it my duty to call your attention especially to some provisions of this law, to-wit:

First. No person shall manufacture, offer for sale, sell or deliver an oleomargarine which contains any coloring matter.

Second. No person shall sell or deliver any oleomargarine unless each package has printed on its upper side the word "Oleomargarine," in letters not less than five-eighths of an inch square.

Third. No person shall sell or deliver any oleomargarine when butter is asked for, and oleomargarine shall only be sold under its true name.

Fourth. Every dealer who shall offer for sale, sell, or deliver any oleomargarine, shall keep displayed a white placard, with the words "Oleomargarine Sold Here" printed in black letters not less in size than one and one-half inches square. This card shall be posted in a conspicuous place in the room or place where such oleomargarine is offered, sold or delivered, where the same may be easily seen and read therein.

Fifth. Every proprietor, keeper, manager or person in charge of any hotel, boarding house, restaurant, lunch room, etc., who therein sells, uses, serves, furnishes or disposes of, or uses in cooking, any oleomargarine, shall also keep posted a white placard, with the words "Oleomargarine Sold and Used Here" printed thereon, in black letters not less in size than one and one-half inches square. This placard shall be kept posted in a conspicuous place where the same may be easily seen and read in the dining room or other eating room where such oleomargarine is furnished, served or otherwise disposed of.

Sixth. No such proprietor, keeper, manager or person in charge shall sell, serve or dispose of oleomargarine as and for butter when butter is asked for or purported to be furnished or served.

The penalty for any person violating any of the above provisions of this law, other than manufacturers, is a fine of not less than \$50 nor more than \$200. If a manufacturer, the penalty is a fine of not less than \$100 nor more than \$500.

It is the intention of the Dairy and Food Department to enforce this law, and all violators will be vigorously prosecuted, and I trust that this reminder of the provisions of the law will aid us in its enforcement.

Respectfully,

RENICK W. DUNLAP,

Dairy and Food Commissioner.



**MINNESOTA STATE DAIRY AND FOOD COMMISSION.****Bulletin No. 27.**

St. Paul, Minn., Oct. 7th, 1907.

Undoubtedly the greatest fraud now being perpetrated in the sale of foodstuffs in this state, as well as in nearly every other state in the Union, is the short weight and short measure fraud. The laws of the state prohibit misbranding of food products and when a container is labeled giving the net weight the statement must be true. The law requires a statement of the net weight on a few products, but does not require such a statement on a great number of staple articles.

The manufacturer or packer simply does not label the package he puts upon the market and the purchaser buys it thinking he is getting a pound, five pounds, a quart or a gallon, as the case may be. The practice is quite general and is the rule in the case of many products and not the exception.

The manufacturer of the packages makes them short weight or short measure according to the orders of the packer, who is to fill them with his products.

One very noticeable short weight fraud is the practice of selling butter in jars. The common half gallon butter jar is known by the trade as a "five pound jar," but when it is filled level full with butter it will generally hold less than five pounds of butter. It is not difficult to find "FIVE pound jars" of butter on the market containing only (4½) four and one-half pounds of butter. The customer who buys one of these jars of butter for \$1.80 thinks he is getting butter at 36 cents per lb. while in fact he is paying just 40 cents per lb.

This department is powerless to compel a statement of the net weight on all food packages, as there is no law requiring such labelling, but until such a law is enacted there is no relief in sight except that the individual purchaser can protect himself by weighing the goods he buys and insisting on receiving what he pays for.

Producers of and dealers in eggs are again warned against selling or offering for sale eggs which are not fresh and wholesome. Inspectors of this department are instituting prosecutions against violators of the law in every section of the state and the lowest fine that can be assessed by any court is \$50.00 and costs.

Among the analyses reported from the laboratory recently are the following:

Lab. 1840—Extract of Almond, "Puritan," manufactured by Wright-Clarkson Mercantile Co., Duluth. Illegal, labeled 2 oz., exact measure 1¼ oz.

Lab. 708—Imitation Fruit Jelly, manufactured by Berry Mayburn Co., Chicago. Illegal, marked 13 lbs., exact net weight 10½ lbs.

Lab. 1193—Ground Cinnamon, manufactured by J. P. Dieter Co., Chicago. Illegal, labeled ¼ lb., exact net weight 2.8 oz.

Lab. 1176—Black Pepper, manufactured by Dr. Ward Med. Co., Winona. Illegal, labeled 3 oz., exact net weight 2½ oz.

Lab. 1165—White Pepper, manufactured by H. B. Strait & Co., St. Paul. Illegal, sample is adulterated with ground cocoanut shells and contains a considerable amount of starchy matter.

Lab. 84—Boiled Linseed Oil, manufactured by American Linseed Oil Co., Omaha, Neb. Illegal, adulterated with mineral oil.

Lab. 90—Boiled Linseed Oil, manufactured by the Central Linseed Oil Co., Omaha, Neb. Illegal, adulterated with mineral oil.

EDWARD K. SLATER,  
Commissioner.

**PENNSYLVANIA RULING RELATING TO LABELS AND SODIUM BENZOATE.**

Rules Nos. 12 and 13. Issued Oct. 25, 1907.  
Pennsylvania Department of Agriculture, Dairy and Food Division.

Supplement No. 3 to rules and regulations prepared by the dairy and food commissioner of Pennsylvania in pursuance of section 3 of the act of June 1, 1907:

Rule 12, LABELS. Rule 13, SODIUM BENZOATE AND BENZOIC ACID.

Rule 12. Numerous requests are referred to this division for the approval of labels to be used in connection with food products under the Pennsylvania pure food act of June 1, 1907. This act does not authorize the dairy and food commissioner nor any agent of the division to approve labels. The division, therefore, will not give its approval to any label. Any printed matter upon the label implying that this division has approved

it will be without warrant. It is believed that with the law and regulations before the manufacturers they will have no difficulty in arranging labels in conformity with the requirements set forth.

Rule 13. No prosecutions will be based upon the manufacture, sale, or having in possession with intent to sell, foods and food products manufactured or packed during the season of 1907 which contain sodium benzoate in quantities not exceeding one-tenth of 1 per cent, or benzoic acid equivalent thereto, provided sodium benzoate or benzoic acid has hitherto been generally used in such foods and food products; and provided further that sodium benzoate or benzoic acid is not used in connection with coal tar dyes or any foreign coloring matter.

The label of each package of food or food products containing sodium benzoate or benzoic acid shall bear a statement that the food contains one-tenth of 1 per cent of sodium benzoate or benzoic acid equivalent thereto, as the case may be.

JAMES FOUST,  
Dairy and Food Commissioner.

**DRUGGISTS AND THE SOUTH DAKOTA FOOD LAW.**

There is a disposition among druggists in South Dakota to contest the new food law. As the law is rather drastic in certain features and as the effect of its enforcement will be to curtail the sale of patent medicines, a very considerable proportion of the press and public of South Dakota sympathizes with the druggists. Last month we presented both sides of the controversy. A correspondent of the Madison (S. D.) Leader, after a visit at the office of Commissioner Wheaton, said:

"The new pure food and dairy laws of this state came into force on July 1, 1907, but the United States authorities in the national law fixed the date October 1, 1907, and the commissioner here adopted the same. In addition to this Commissioner Wheaton, in his anxiety to make the law respected and in order to inflict no unnecessary hardships on druggists, ruled in the matter of closing up old stocks that the retailer 'must stamp or label each article in his old stock (of prepared medicines not standard), "On hand October 1, 1907."'

"Supplementary to this he ruled that the retailer must file an inventory of all articles so stamped with the food and dairy commission on or before October 10, 1907.

"The net effect of all this is that the law came into force July 1, 1907, its provisions were extended by rulings to October 1, and that compliance therewith by October 10 made druggists immune from penalties.

"Now, as a matter of fact, druggists are not ignoring either the law or its rulings. Up to yesterday there were 140 inventories filed, and in response to an additional circular letter, calling attention to non-compliance with the October 10 date of filing stacks of letters giving the reasons why the inventories had not been filed by the writers, have been received.

"Commissioner Wheaton has never threatened to make any arrests in Aberdeen or elsewhere; and he has not refused to submit a case to test the constitutionality of the law. He has been away on official business at Chicago and elsewhere almost continuously, and only yesterday, just before he left for the West on further official business, was he aware of any proposal to submit a test case. That came from the chairman of the Pharmaceutical Association, and no doubt is under advisement and will be attended to in due course. But he has not refused yet to agree upon a stated case."



### LOUISIANA MAKING PREPERATIONS TO ENFORCE THE NEW PURE FOOD LAW.

The Louisiana State Board of Health is holding open meetings to hear complaints against the proposed pure food law. During the past month they have been mailing copies of the proposed regulations to all the interests that will be affected in any way by the new law. To the country boards of health, especially, copies of the proposed regulations have been sent, with requests that any amendments necessary to protect local industries, and which are in conformity with the national regulations, be submitted before the time of promulgation of the new law.

The Wholesale Grocers' Association will probably be the first body to be heard from in regard to the new law, and it is thought that a good deal of ground will be gone over at this hearing alone. With the grocers will appear representatives of the coffee interests. After these two classes of merchants have been disposed of the baking powder manufacturers will be heard from, and, judging from the experience of health boards in other states, this hearing will probably be the most interesting of all.

E. A. Zatarain, a manufacturer of root beer, has expressed himself as being in favor of the State Board of Health inserting a regulation in the new law relative to placing additional restrictions upon the sale of root beer. He wants artificial root beer entirely prohibited, as he charges that the latter is injurious to health, and as at present made and sold in this state is grossly adulterated, colored with coal tar dye, thickened with gum and sweetened with saccharine. Furthermore, Mr. Zatarain has petitioned the State Board of Health to extend the regulations at present applying to mustard so as to cover extracts of pepper, sauce and catsup. He has samples to show that some of the concoctions sold as catsup contain apple, pumpkin, rice polish, flour, etc.

By the absolute prohibition of saccharine in food preparations Mr. Zatarain claims that the farmers of Louisiana would benefit materially, as those manufacturers who now use saccharine pay \$1.50 a pound, which is equal to 550 pounds of sugar.

### TO ENFORCE ARKANSAS NEW PURE FOOD LAW.

Deputy Commissioner W. M. Stoddard, of the Department of Agriculture, under the direction of Commissioner Tucker, is having a list of blanks prepared for the use of those firms handling food products, in line with the requirement of the pure food law enacted by the past legislature, and as soon as they are complete they will be sent out. The office is now in receipt of the proof of a number of firms, some ten having already complied with the law in this regard. It is the intention of the office to have these blanks numbered in series, and when the general guarantee required is given to issue a number, which may be printed on the package, etc., conforming to the pure food law.

### DELAWARE'S FOOD LAW.

A conference was held at Wilmington, Del., the first of this month between officials of the State Board of Health and the State Board of Pharmacy to frame regulations for putting in operation the new state pure food law, which will become operative on the first of November. Dr. E. W. Cooper, president and Dr. A. E. Frantz, a member of the Board of Health;

Dr. Willard Smith and Oscar C. Draper, a member of the State Board of Pharmacy, were present and discussed the ground fully, preparatory to framing regulations which will be harmonious and effective in enforcing the two branches of the law. The members of both boards have determined that the law shall be observed, and they intend to see that many of the discrepancies that have crept into the drug business and food supply business will be eliminated as soon as the new measure becomes operative.

### WYOMING COMMISSION ASKED TO MODIFY RULES.

The food authorities of Wyoming have before them a novel proposition from certain large manufacturers of food products, substantially asking them to inaugurate an entirely new plan of enforcing the law. In its practical operation it involves principles which will prove of interest in many another State and manufacturers everywhere. A conference has been called between E. W. Burke, State food commissioner; H. G. Knight, State chemist; Ross Moudy, assistant chemist, and sundry manufacturers to consider the policy of the board.

Until the present time Commissioner Burke has prosecuted dealers for food products found by the State chemist to be in violation of the Pure Food laws of the State, the minimum penalty upon conviction being \$50, and a large amount of money has been turned into the treasuries of the different counties where prosecutions have been had. Now the manufacturers and jobbers will ask the commission to so modify its plan as to permit the jobbers to remove certain goods, which, while coming under the ban of the Wyoming law, are permitted to be sold in States where there are less stringent laws.

"Technically, we may be found guilty," they say in their letter to the commission, "but morally we have committed no wrong, and we desire some modification of the rules of the commission that will permit us to collect and remove articles condemned by the commission and which have gotten into Wyoming by mistake or under a misapprehension of the meaning of the rules of the board."

### MEATS COAL OILED IN KANSAS CITY.

Fifteen pounds of candy containing paraffine, and offered for sale in a West Ninth street confectionery, was condemned and coal oiled by a deputy inspector from the pure food department recently.

"Paraffine is indigestible and is forbidden in candy," said Dr. W. P. Cutler, pure food inspector. "It is paraffine in candy that causes so many stomach ailments and increases sickness among children."

Over fifty pounds of meat that had decayed, which a butcher exposed for sale, was made unsalable by a liberal sprinkling of coal oil from the can of a deputy inspector.

Two samples of pork and beans preserved in catsup were brought in. They contained benzoate of soda, but a warning of the preservative was not printed on the package as required by law. Grocers selling these brands will either have to label the cans properly or lay themselves upon to arrest.—Kansas City Journal.

### OYSTERS SOLD IN KANSAS MUST NOT BE WATERED.

Attention of the official reformers at Topeka, Kan., has just now shifted from watered stock to watered oysters, a subject on which the bivalve eating public is surprisingly uninformed. According to the latest information of the "rakers" the "liquor" of oysters which "mother used to make" into her most epicurean oyster stews, is little short of plain cold water, of which Kansas has an abundance this year. The water is added to increase the bulk of the oysters and sold at the price of the genuine article.

Leavenworth dealers, not unlike their kith everywhere, have been in the habit of "watering" their stock (of oysters). It may be unwelcome news to them (it was to others) that Kansas is to be dry—also in the oyster line.

It is expected that within a short time the chief state food inspector, Dr. Crumbine, will issue orders to the effect that the oysters put on the market in Kansas grocery stores and butcher shops must contain no unnecessary amount of water.



Water is too cheap, thinks Crumbine, to sell at 35 or 40 cents a quart. After this order is issued it will be possible to get a quart of oysters when you ask for a quart—not half a pint of oysters and the balance melted ice. It is possible, too, that after this order goes into effect the price of oysters will go up. But that will be no hardship, for the purchaser will not have to buy so great a bulk. He can get the water out of his own hydrant.

J. T. Willard, chemist at the State Agricultural College, is already at work on this matter. He is back in the country where Kansas oysters come from. He is to visit Norfolk, Baltimore and other Atlantic ports, studying the oyster business. He is finding out all about how oysters are harvested, how they are packed, and how they are shipped. When he comes back to Kansas he will be qualified to speak with authority about the oyster business. He can tell whether "green oysters" are poisonous or whether they have obtained their peculiar color from a diet of sea weed. He can tell how much water is put into the oysters when they are packed, how much is added by the wholesaler, and how much more is put in by the retailer. In the past it has been customary for each man who handled the oysters to add a little "liquor" and make three quarts of oysters do the work of a gallon.

### INDIANA POSTPONES ACTION ON WHISKY.

Indianapolis, Nov. 8, 1907.

AMERICAN FOOD JOURNAL,  
Chicago, Ill.

Gentlemen:—You ask for a copy of the action of the State Board of Health in the matter of passing rules defining whisky and prescribing specific adulterations. The action was simply a postponement, after hearing the arguments of the whisky men present. The official procedure was as follows:

Whereas, After hearing all the evidence and after due consideration it seems it is not the proper time to take action in regard to passing rules, defining and establishing standards for whisky; therefore,

Resolved, The matter shall be postponed until such time as it may seem proper to the Board to take action.

Very truly yours,

J. N. HURTY,  
Secretary.

### MEAT, MILK, BUTTER, WHISKY.

The pure food law having gone into effect, inspectors are roaming all over the country to detect violation of the law. The use of "preservatives" by the meat packers has been declared harmful, and meats "cured" by such preservatives are liable to confiscation.

Milk and butter containing one-sixteenth of water are pronounced violations of the law, and the venders are liable to arrest and punishment.

Saloons are being inspected, and the whisky compounders will have to change their labels and reveal the character of their bottled product. Meanwhile the courts will be asked to decide what constitutes pure whisky. The best solution of the difficulty would be to continue the truthful labeling and permit the consumer to make selections in accordance with his taste.—Prairie Du Chien Courier.

### NEBRASKA FOOD COMMISSION RULINGS QUESTIONED.

Food Commissioner Johnson of Nebraska has interpreted the new state law to require the net weight to be stated on the package. Attorney Cowin for the packers has filed a brief in which he contests this interpretation of the law.

General Cowin argues that where meat packages are not stamped at all with the net weight the law has not been violated. In case the weight is incorrectly stamped on the package the law has been violated. He calls attention to the national law and the laws of other states, which are like the national law in this respect, and these provide for the stamping of

the net weight when the contents are set out in weight. The law is for the purpose of preventing deceit, and if the weight is not stamped on the package, then deceit is not practiced. As for stamping the weight of a ham on the outside wrapper, General Cowin says it is practically impossible, as the meat constantly shrinks. The wrapper is put around the ham together with the oil paper, to prevent it from spoiling, and when thus wrapped is guaranteed for thirty days.

### MILK PRICES.

Milk prices for the coming six months were recently fixed in Elgin and New York by Borden and the other big handlers of milk from the farm. In New York, Borden contracted to pay \$1.80 per hundred pounds for October and March and \$2 for each of the intervening months. The average price for the six months is \$1.93 1-3, which is 26 2-3 cents higher than last year. These are the highest prices paid since the civil war. At Elgin Borden's prices are \$1.55 for October and March and \$1.65 for the intervening months. The average is \$1.61 2-3, which is 16 2-3 cents, or 11 1/2 per cent higher than the prices of last year for the corresponding period. These figures translated into butter prices mean about 40 cents per pound for that product, and the trade considers that this figure looks a little high at the present time. The sharp advance in prices of feed and the continual lessening in supply led the big buyers to a realization of the fact that prices must be materially advanced in order to insure a supply sufficient for all demands.—Breeder's Gazette.

### DR. WILEY TO STUDY SUGAR.

The Pure Food Law and the regulations adopted by the Department of Agriculture have such importance on the manufacture of sugar in Louisiana that arrangements have been made for a visit to that State of Dr. H. W. Wiley, chief of the Bureau of Chemistry of the Department of Agriculture. It is said that Dr. Wiley will take several assistants with him and will spend a long time on one of the largest and most modern sugar mills in the State. His visit is being arranged for by the Sugar Exchange, under the direction of its secretary, D. L. Colcock, who enjoys worldwide fame as a statistician and authority on matters connected with the sugar and molasses industry.

Dr. Wiley has decided to get all of his information first hand, and, with a corps of expert assistants, will establish a laboratory at one of the largest sugar plantations in the State and will carefully watch the turning of sugar cane-juice into commodities of commerce. It is said that he will stay on the plantation during the greater part of the grinding season. It is also said to be likely that Secretary Wilson, of the Department of Agriculture, will pay Dr. Wiley a visit during his stay in Louisiana to watch his work.

### TO DEFINE JAVA COFFEE.

The Bureau of Chemistry in the Department of Agriculture has just received the report from the Government of Holland, for which it has been looking for a good while, in connection with its attitude on the coffee situation. This report deals specifically with the extent of territory which is considered by the Dutch Government as being included in the word "Java" and will be of great weight in determining the position to be taken by the Bureau of Chemistry in the matter of branding coffee as "Java" or otherwise.

The position has been taken by coffee interests that the term "Java" was a trade name of sufficiently definite meaning, and that it didn't have a distinct geographical significance. A food inspection decision on the branding of coffee will probably be issued in the near future and along with it will probably go a determination of the questions relating to "glazing" of coffee beans.



# THE AMERICAN FOOD JOURNAL



Published Monthly at 334 Dearborn Street, Chicago

By H. B. MEYERS & CO.

Telephone Harrison 2473

Subscription, \$1.00 Per Year Foreign Subscription, \$1.50

Address all communications and remittances and make drafts, checks and money orders payable to THE AMERICAN FOOD JOURNAL, 334 Dearborn Street, Chicago

All reading and advertising matter to appear in THE AMERICAN FOOD JOURNAL must be received at this office on or before the 12th of the month.

COPYRIGHT, 1907, BY H. B. MEYERS.

## DR. WILEY AND FUSEL OIL.

The Bottled-in-Bond or "Straight Whisky" interests have an Organ that is played by a Wind Pumper, said to have been selected by Dr. Wiley, of poison squad fame, the chief purpose of which seems to be to poison the public mind as much as possible against every other kind of whisky than the so-called "Straight Whisky." There is no objection to puffing one's wares, provided it is done with a due regard to the truth.

There has been at all times in the past a well-defined popular impression that fusel oil was an undesirable constituent of an alcoholic beverage and no consumer would knowingly select a whisky which he knew to contain all the fusel oil which it was possible for any distilled spirit to contain. This popular impression was voiced by Dr. Wiley when he made the statement before the Pure Food Congress in 1904, that it was necessary that this fusel oil be removed in order that the distilled spirit containing it should be good for consumption.

Up to that time the manufacturers of the so-called "straight whisky" of the Bottled-in-Bond variety, had continually asserted that storing a distilled spirit in a charred oak barrel would, in the course of a few years, eliminate all of the fusel oil, and this representation had been accepted as true by the public generally, in this country until the experiments made on behalf of the State Food Standards Committee of the National Association of State Dairy and Food Departments as per agreement made at Portland, Oregon, in 1905, by Prof. J. H. Shepard, chemist of the South Dakota Dairy and Food Commission, and Dr. T. D. Wetterstroem, chemist of the Ohio Food Commission, and which were published in THE AMERICAN FOOD JOURNAL of February and March, 1906. It is now generally known that this representation was false and that if the fusel oil is not removed mechanically by rectifying processes before the spirit is put into a barrel, it will continue in such spirit and eventually find its way into the stomach of the consumer.

Many of the states have passed laws providing that no distilled spirit can be sold which contains any amyl alcohol (which is the chief of the fusel oil series), and the government regulations for Porto Rico provide that no whisky can be imported or sold there which contains more than a minimum of fusel oil.

Our present thought, however, does not relate to the

desirability or undesirability of permitting the sale of whisky which contains all the fusel oil possible, but we wish to direct attention to the methods being employed by a pupil of Dr. Wiley's to misrepresent facts and confuse the public mind.

We do not know, nor do we pretend to say, to what extent Dr. Wiley may be responsible for matter which appears in this organ of the "straight whisky" interests, though much which has appeared in the past has created the impression that this organ has a rather close connection with the Bureau of Chemistry of the Department of Agriculture.

The whisky controversy, as we now see it, appears to have resolved itself into a question of "whisky with all the fusel oil in it," or "whisky with most of the fusel oil removed." We believe that the people, who pay their money, should be permitted to "take their choice," but it is not consistent with the pure food ideas, or with fair dealing, that the manufacturers of the so-called "straight whisky" should be permitted to represent it any longer as not containing all the fusel oil.

Those interested in advocating whisky manufactured by the rectifiers and blenders have been calling attention to fusel oil in the straight whisky and have extensively advertised the statement which Dr. Wiley made on the subject before the Pure Food Congress. This has excited the "straight whisky" interest, which attempts in its organ to create the impression that Dr. Wiley never made any such statement in reference to the undesirability of fusel oil in whisky.

The following correspondence on the subject speaks for itself, and we publish it in the interest of fair play:

Cincinnati, Ohio, October 23, 1907.

Mr. H. B. Meyers,  
334 Dearborn street,  
Chicago, Ill.

Dear Sir:

Dr. Wiley has been frequently quoted as having made the following statement in his address before the Pure Food Congress, which was held on the World's Fair grounds in St. Louis in 1904, to-wit:

"The term 'fusel oil' means a collection of these higher alcohols which are produced in the fermentation of the mash. These alcohols, however, pass over with the water in the still. Some of them have higher boiling points, but they are carried over mechanically, so that they all appear in greater or less quantities in the product. Now in order that this product be good for consumption it is necessary that this fusel oil be removed."

It is being charged in certain quarters that Dr. Wiley did not make this statement, and that in attributing it to him he is being misrepresented.

As you were the publisher of the proceedings of that congress, and as there appears a statement in Dr. Wiley's address, as printed in your publication, which uses slightly different phraseology, I write to inquire from you what are the exact facts.

Yours very truly,

DAVID STAUBER,

Secretary.

October 24, 1907.

Mr. David Stauber, Secretary,  
Union Trust Building,  
Cincinnati, O.

Dear Sir:

In reply to your inquiry of the 23d, will say that I was the publisher of the proceedings of the Pure Food Con-



gress in question, and I was present and heard the address made by Dr. Wiley on the whisky question.

He used the exact words which you quote and which have been generally attributed to him.

The proceedings of the convention were not published by me until some months thereafter, and when a copy of Dr. Wiley's remarks were sent to him, he returned them with the request that the phraseology which he had used should be changed in the published account of the proceedings.

I still have in my possession his original notations and I saw no objection to permitting the change which he requested to be made, because it did not appear to materially change the sense of his statements, as he had continuously asserted up to that time that storage in wood would eliminate the fusel oil.

However, I am not aware that Dr. Wiley has ever denied having made the original statement as it has been attributed to him.

Many gentlemen who were present heard him make the statement, and I notice that in the printed report of a hearing before the House Committee on Agriculture, February 8, 1906, there was a discussion of this very matter between Dr. Wiley and Mr. Hough.

Dr. Wiley referred to the publication of these statements, claiming that they did not represent his *present views*.

On page 492 of the printed report in question appears the following colloquy:

"Dr. Wiley: Why did you quote me in these advertisements?"

"Mr. Hough: Because you said before the manufacturers' committee that in order to make that thing fit to drink the fusel oil must be removed.

"Dr. Wiley: Yes; I thought so then.

"Mr. Hough: And you said it then?"

"Dr. Wiley: I did."

What further appears represents Mr. Hough as saying that he was merely advertising what Dr. Wiley had said on certain occasions, and that if Dr. Wiley wanted to advertise his *changed opinions*, he should do so at his own expense.

Since Dr. Wiley admits that at a certain time he did make that statement, I do not see how it can now be asserted by anybody that he did not make the statement.

Yours very truly.

H. B. MEYERS.

### THE PRICE OF FOOD AND FOOD LAWS.

The statement has frequently been made that the national so-called pure food law is responsible for the increased cost of living. If true that foods cost more now than formerly, there are some compensating advantages. However, aside from the natural advance in the value of certain foods which were compelled to compete with misbranded substitutes or adulterated mixtures, there is no reason why the National Food and Drugs Act should increase the prices of food. Certainly the natural effect of the law should be less than the stringent state food laws which in many cases as, for example, in milk require not alone that the article be pure but that it be produced and cared for in certain stipulated ways and that it be of a definite standard of quality or richness. The enactment and enforcement of state laws did not increase the prices of foodstuffs. The federal legislation requiring proper labeling of imported products was in force long before the food law was enacted, but no advance in comestibles was occasioned by the rejection of adulterated

and misbranded food in the custom house. As there is no natural cause operating to advance the price of foodstuffs, we must conclude that unwise and unauthorized interpretation of the food law is largely to blame. This in fact is the contention of Dr. Eckles and others, but which many of the commentators looking only on the surface have taken to be another covert attack on the pure food law, instigated by someone with sinister motives to discredit Dr. Wiley and his satellites.

Last month, after carefully investigating every influence suggested as influencing the price of food, we came to the conclusion that it was due to misdirected, not to say malevolent, attacks on legitimate trade and harassing honest business by added expense and uncertainties which, as certainly as any law in chemistry, is paid out of the purchaser's pocketbook.

Among the industries that have vicariously suffered are condensed milk, canned goods of every description, meats, syrup and molasses, dried fruit, flour, ice cream and many others too numerous to mention. The real sufferer is, of course, the person who parts with more money to buy the same amount of goods. This conclusion, as published in this journal of last month, naturally met with some opposition in official circles. Dr. Wiley issues a statement copied in very similar form by most of the papers in the country, in which he tries to shift the question from one of irrational enforcement of the law to the law itself. Even at that he does not make out a very good case. He says the great staple foods, with the exception of meat, are not under government regulation at all, and since these articles make up 90 per cent of the food supply, the effect of the law on prices in general cannot be serious. Dr. Wiley is mistaken. The food and drugs act under which he works specifically includes all articles used for food, drink, confectionery, or condiment by man or other animals whether simple, mixed or compound.

Possibly we may infer that Dr. Wiley means that 90 per cent of foods are not subject to adulteration or misbranding. This may cause an attack of heart failure on the part of those who have been led to believe that about everything they ate and drank was adulterated. But even this view of the case is not strictly correct. One of the best sections of the national law defines decayed and decomposed food as adulterated. All food except salt and certain sterilized prepared foods are subject to decomposition and sooner or later become unfit for food and therefore may be subject to the food law. Even salt, according to the Scriptures, may lose its savor, but probably some other variety is referred to than sodium chloride.

But aside from the possibility of adulteration any of the great staple foods may be misbranded as to locality of production or as to claims made concerning it which may be unwarranted. It is easy to find fault with the food supply when it is plentiful. We challenge Dr. Wiley to name a single food outside of whisky straight and oleomargarine which he has not at some time traduced. The issue is not often whether the article of food is really adulterated, but whether the confidence of the public is shaken in its purity, as witness the enormous loss in the trade in meat and comb honey due to a carefully cultured and unwarranted mistrust.

Dr. Wiley claims that in some respects a great reduction of price had followed the enforcement of the food law. He failed to say in what respect or offer specific instances. Probably all of the publishers and



reviewers hit upon the same illustration—"mock currant jelly made up of fruit juices, glucose and timothy seed." This concoction with the timothy seed would have made a better imitation jam, but no matter, it will serve just as good as an illustration.

In a few instances Dr. Wiley said prices had been arbitrarily advanced with the food law as an excuse. What these are he also fails to state. The price of milk, he says, has not been affected by the law because only one interstate shipment has been inspected. That is a good argument and will apply equally well to every other product, as no prosecutions of any description have as yet been brought under the act and no inspections made public.

It is not the law that is feared, but the threats and newspaper statements that are made, and to a lesser extent the drastic interpretation of the law and unwise rules and regulations made without authority under it. The muck-rake curtails production and increases prices.

But can Dr. Wiley seriously advance the argument that the price of milk is governed by the sale of raw or market milk? If so, we would like to inform the learned doctor that butter is made from milk, also cheese and condensed milk, all entering largely into interstate commerce, and that such an infinitesimal amount of milk is used in direct consumption is to have no effect in naming the price except near large cities where the price of market milk is influenced largely by the condensories. The price of butter really regulates the price of milk, and butter has been both hampered and helped by the food laws—helped by elimination of competition with oleomargarine, whereby the people pay an increased price, and hurt by restrictions as to coloring and unfortunate standards for water, which have caused some loss and expense and which also increases the price of butter to the consumer. In localities where cheese alone is produced, as in certain parts of New York, Wisconsin and Canada, the price the farmer receives for milk is based on the price of cheese, which, however, fluctuates with the price of butter. It goes without saying that in general it is not profitable to ship milk long distances for manufacturing purposes, although cream for use in the manufacture of butter is shipped almost a thousand miles.

Dr. Wiley might have made out a better case for the food law, but the fact is the law and its enforcement are so interwoven and mixed that it is quite impossible to say just what the law would accomplish in a different environment.

#### **MASTICATION OF MEATS NOT PROHIBITED BY THE GOVERNMENT.**

Prof. H. S. Grindley, D. Sc., Timothy Majonnier, M. S., and Horace C. Porter, Ph. D., of the University of Illinois, have studied the effect of different methods of cooking and completeness of mastication upon the thoroughness and ease of digestion of meat. Twenty-three natural experiments with round steak cooked in different ways and 44 experiments with different varieties of meat, including beef, veal, mutton, and pork, cooked in various ways were made. In the words of the authors, "Differences in the results obtained with different kinds of meat or with the same kind of meat cooked in different ways, were too small to be of any practical significance. In short, all the

kinds and cuts of meat were very thoroughly digested whatever the method of cooking."

The experiments relating to mastication are particularly interesting, inasmuch as the chief entertainer in the U. S. Department of Agriculture, the head of the Bureau of Chemistry has recently said that meats do not require to be masticated or chewed and will be digested in chunks just as well or better. What scientific authority is back of the statement is hard to determine. The observation is contrary to the general belief and the anatomy of the carnivorous animals clearly indicate that meat is intended to be more or less finely divided before subject to the action of the digestive juices. The boa constrictor and its family are, we believe, the only animals which gulp down large masses of food whole and they take plenty of time to digest it. We may be mistaken about this and will not be led into any controversy with the Reverend Mr. Long or His Excellency, Mr. Roosevelt.

However, while appearances were against the theory of unchewed beefsteak and the physicians of the country with one exception were unanimous in their opposition, no experiments had been made (unless by Dr. Wiley and selfishly kept to himself) to prove the effect of mastication upon digestion until the work of Prof. Grindley and co-laborators. Their summary of this part of the work is short and may as well be given in the language of the authors:

"The experiments with samples Nos. 1634 and 1635 were planned to give some idea of the effect of more or less thorough mastication upon the ease of digestion. Each sample was from the same piece of beef round, cooked in water two hours. Sample No. 1634 was ground twice in a sausage mill to represent meat somewhat thoroughly masticated, whereas sample No. 1635 was cut into small pieces, about a quarter-inch cube, to represent meat less thoroughly masticated. Both samples were digested two, six, and twenty-four hours. The results obtained were several times larger with the ground meat than with that in cubes in both the two and six-hour periods, and even with twenty-four hours' digestion the result with the more coarsely ground meat was decidedly the smaller. The inference is that thorough chewing may have a very decided influence upon the ease of digestion of meat proteid."

It is not every month that The Fairy Tales of Science, edited by Dr. Wiley, meet with so rapid and complete refutation and by the very department with another branch of which he is himself connected.

#### **CIDER VINEGAR MONOPOLY.**

Owing to the partial or complete failure of the apple crop in Michigan, southern Illinois and western New York, cider and cider vinegar will climb sky-high this winter. The natural high price will be still further advanced by the unreasonable and unnecessary prohibition of colored distilled vinegar in Illinois, South Dakota and several other states. Colored distilled vinegar is as pure as any vinegar on the market, and probably more wholesome than even the best cider vinegar made. It is common knowledge that cider is generally made out of apples that are too poor to sell or give away, and cider vinegar from left-over cider that has fermented. The only possible reason for prohibiting the sale of colored distilled vinegar is that it resembles cider vinegar in appearance; therefore there is a temptation for the unscrupulous to substitute it for the mere expensive though inferior cider



vinegar. This is no argument in any state supplied with a food commissioner or chemist, who are paid to prosecute the perpetrators of just this kind of fraud—not as some of them seem to think, to prevent adulteration by abolishing food. If the distinction between colored distilled and cider vinegar were so subtle that the chemist could not readily differentiate one from the other, the public might punish themselves until science solves its difficulties; but, on the contrary, the tests for colored distilled and cider vinegar are so simple and their recognition so certain that even the housewife, by the use of a few drops of sugar of lead as outlined in household tests, is now able to protect herself from the dishonest dealer without an appeal to the state or government. Unfortunately, she cannot find rotten apples in cider and the chemist is almost equally helpless. It is time the state as well as government food officials use good judgment in making rules for the regulation of traffic in food.

#### MR. THOMAS T. HOYNE.

When the doors of the Coliseum building are thrown open to the public Saturday evening the greatest pure food exposition ever held in the world will be in progress. Manufacturers, dealers, leading scientists, investigators and others interested in the pure food movement have rallied to the support of the World's Pure Food Exposition and Thos. T. Hoyne, the man whose brain and energy have made it possible.

In the face of the sad failures of his predecessors, Mr. Hoyne took up what at the beginning seemed to be a hopeless task. He knew that others had failed, that the methods of the promoters in the food show field had left a disagreeable taste in the mouths of those who had had dealings with food shows and their managers, but he also knew that a high class food exposition, run on legitimate lines, would be a great thing for Chicago and the pure food movement.

It was but a few months ago that Mr. Hoyne took up this work, and it did not take long to convince those interested in the success of the World's Pure Food Exposition that a master hand was at the wheel.

Mr. Hoyne selected his associates with care and as a result has effected an organization that numbers among its members the best known and most highly respected men and women interested in the pure food cause in the United States.

Mr. Hoyne deserves the success which he has met, and his worn expression is evidence of the fact that it has not been gained easily, but his efforts have been so adequately rewarded that no matter how great has been the strain he cannot help but feel that it has been worth all its cost.

#### BARLEY GROWING PROFITABLE.

It is admitted that the price of barley has been boosted by the pure food law. Although neither the pure food law nor any rules and regulations established under it require that beer be made out of barley, the brewers are buying more of this grain than formerly—probably because the best beer is made of barley hops and water, and manufacturers will not, under the food laws, be allowed to label beer as barley beer if it is not made exclusively of that article. In the face of the increased demand the crop of barley this year has been of less acreage and poorer quality than usual. The light crop, however, is eagerly snapped up at high prices and farmers have realized

more from barley this year than from oats and corn, which is saying considerable. Next year every farmer will sow his entire acreage to barley and will have to put a prize package in every carload to be able to give it away.

#### COLORADO'S DAIRY COMMISSIONER.

On page 9 of this issue of the AMERICAN FOOD JOURNAL we present to our readers a photograph of Mr. B. G. D. Bishopp, the youngest State Dairy Commissioner in the United States. He has seen but twenty-five summers. Mr. Bishopp received his preliminary education in a log school house in the mountains of Northern Colorado. He received the degree of Bachelor of Science from the Colorado Agricultural College in 1901 at the age of 19, and after one year's post graduate work was made assistant chemist at the Experiment Station of his alma mater, where he served three years. Mr. Bishopp was then elected Professor of Chemistry and Agriculture at Mt. Morris College, Illinois. He was appointed Dairy Commissioner of Colorado in April, 1907.

Mr. Bishopp is responsible for starting the recent oleomargarine investigation in Denver by United States revenue officials. By education and experience he is well fitted to discuss his subject, "The Dairy Industry of Colorado," published elsewhere in this issue.

#### DR. WILEY'S EXPERIMENTS.

Concerning the effect of the bleaching of flour, upon which subject the Chemical Bureau of the Department of Agriculture is now engaged, a representative of the milling interests inquired of Dr. Wiley "if he had ever made a test of anything under the pure food laws without deciding against it?" Would it not have been better to have asked "if he had ever reserved his decision until he had made his tests?" We certainly think so.

#### INDIANA WHISKY RULING.

The Indiana State Board of Health has concluded not to enforce the new pure food law requiring labels on whisky for the present. The decision is based on the desire to avoid putting the Terre Haute district at a disadvantage in competition with Peoria and Kentucky products.

It is presumably their desire to wait until a decision is reached under the Federal Food and Drugs Act.

#### MAINE VS. IOWA.

As a result of the enactment of the National Foods and Drug Act, Maine figures it will save \$25,000 per year at the expense of Iowa, the packers of which state were before forbidden by the pure food law selling plain Iowa corn labeled "Maine Sweet Corn." Iowa evens up by buying real imported sardines from Sicily instead of minnows from Maine, masquerading under false labels.

#### WHISKY TEST CASE ABANDONED.

Negotiations between the general counsel of the National Wholesale Liquor Dealers' Association and the U. S. Department of Justice looking toward the bringing of the test case *upon an agreed statement of facts* have been abandoned and the test case will now be made by taking some of the cases which the Department already has in hand and using them for that purpose.



## FOOD NOTES

C. C. Lillie, Deputy Food Commissioner of Michigan, had his name stricken from the pay roll while in attendance at the Constitutional Convention. He took up his work and salary at the close of the convention.

\* \* \*

"The pure food law ought to make them state on the bottle how many headaches there are inside," says the Baltimore Sun. No use; very few people would believe the label spoke the truth—either before or after taking.—Mansfield (Ohio) News.

\* \* \*

Marion W. Savage, proprietor of the International Stock Food Company and Dan Patch, has been denied



**THE KENTUCKY SITUATION.**

a temporary injunction restraining the pure food commissioner of South Dakota from enforcing certain sections of the food law relating to cattle foods. (See Court Decision in another part of this issue.)

\* \* \*

The Iowa Food Law is soon to be tried by fire. The food manufacturers claim that the state law compelling publication of the formula takes property without due process of law. The argument of the state will be that it is exercising the police powers conferred upon it, and that it is exercising the same power that it does when it requires the liquor dealer to pay a special tax or license.

\* \* \*

San Francisco says the Free Lunch is unsanitary. In attempting to regulate them, however, the health officers ran up against an unexpected difficulty. According to the ordinance the inspectors are only allowed to enter premises where food is sold and have no jurisdiction whatever where food is given away.

The mayor will ask for an amendment to the ordinance to remedy this difficulty.

\* \* \*

Meat inspectors from the Chicago Health Department have been making inspections of country produce unloaded at a number of outlying stations. The department suspects that unwholesome foodstuffs might enter the city in that way.

A number of fruit dealers were caught selling bad fruit. In one instance where the department had previously given warning, the man was taken into court and fined \$25 and costs for selling decayed peaches in baskets. Keep up the good work.

\* \* \*

William Judson, president of the National Wholesale Grocers' Association, recently declared that the pure food law enacted by Congress was giving great satisfaction and that it would prove one of the greatest benefits the public has ever enjoyed.

Some adulterated articles placed upon the market were positively injurious, although probably a majority were simply harmless frauds. But the public has a right to be protected against imposition of any kind, whether it be directly harmful or simply a deception which inflicted no physical injury.—The Modern Grocer.

\* \* \*

City Chemist Dr. J. Connor Chisholm, of Dallas, Texas, is devoting his attention to the liquid refreshments served at the State Fair. He first gave his attention to the cold drink stands and the smaller stands where food is served on short notice. He compelled screening of all recontracts in which the drinks are kept and exposed for sale. He required cleanliness and care in handling the dishes and utensils used in serving foods and drinks. He was assured by the management of the Fair Association he would have the full cooperation of the police in the grounds for enforcing all legal orders.

### NORTH DAKOTA THREATENS JOBBERS.

As we go to press we are in receipt of the following circular letter from Commissioner Ladd, which is being sent out and which we herewith reproduce:

#### A LAST WARNING.

This general notice is sent to all jobbers doing business in this state.

Do you intend to comply with the food laws of North Dakota? If you do not intend to comply with the laws of the state, do you propose to withdraw from the state? Much to my surprise, on going out over the state, I find that a number of jobbing, wholesale and manufacturing houses are distributing quantities of goods in direct violation of the food laws of the state. They do not show the true net weight; at times they are short weight; they do not always show the true grade; in some instances they show no weight; and in not a few cases they are misbranded or falsely labeled. For example, some of the canned fruits show 2½ ounces of fruit in the can and 19 ounces of added water.

We are sending this final notice to the jobbing houses known to be doing business in North Dakota, and we ask you if you are one of the violators of the law; if you believe you are doing right? Further shipment of goods into the state, and the offering of the same for sale, in violation of the laws of this state will be vigorously contested in the courts. If you are not familiar with the food law, ask for bulletins Nos. 6 and 7.

This is a final notice; please govern yourself accordingly.

E. F. LADD,

Food Commissioner.

Some of the newspapers of Missouri have discovered that Congress passed a pure food law. In a short time some of them may wake up to the fact that Missouri has a pure food law of its own.



# United States Department of Agriculture,

## OFFICE OF THE SECRETARY.

### BOARD OF FOOD AND DRUG INSPECTION.

## FOOD INSPECTION DECISIONS 80-81.

### 80. Glazed Coffee. 81. Labeling of Caramels.

#### GLAZED COFFEE.

There have been frequent inquiries made regarding the application of the food and drugs act to the practice of glazing coffee. The following is a type of the communications of this nature:

It has been the custom with many roasters of coffee to use a finish, made out of supposedly harmless ingredients, on their coffees, especially the lower grades, the main object being to lessen the natural loss in weight during the process of roasting, and thus reduce the cost.

We used a finish, ourselves, made up of lemon juice, flaxseed, gelatin, bicarbonate of soda, and lime water, until January 1, 1907, when we ceased, as we were uncertain as to its lawfulness under the pure food and drugs act which went into effect that day. If it is against the law, we would ask that the pure food commission prepare a ruling on coffees, such as has been done on rice, and have this ruling take effect as soon as possible, as manufacturers who are adhering to this method of roasting are enabled to undersell those who are using the natural roast, thereby placing them at a decided advantage.

Coffee is coated for one or all of the following reasons:

1. To restore, at least in part, the loss of weight incident to roasting.
2. To conceal damage or inferiority.
3. To prevent the depreciation of the roasted coffee due to the escape of the aromatic constituents.
4. To prevent the absorption of water which renders the roasted grains tough.

It would appear that the questions involved in this practice are similar in many respects to those involved in the polishing and coating of rice, which is discussed in F. I. D. 67. As in the case of coating rice, it is the opinion of the Department that no coating of any kind can be applied to the coffee "if the product be mixed, colored, powdered, coated, or stained in any manner whereby damage or inferiority is concealed." In each case, whether or not such a result be secured is a question of fact to be decided by the evidence.

It is held by the Department that coffee treated in the manner indicated with lemon juice, flaxseed, gelatin, bicarbonate of soda, and lime water should be labeled in all cases with the name of the extraneous substances, as,

COATED WITH LEMON JUICE, FLAXSEED, GELATIN, BICARBONATE OF SODA, AND LIME WATER.

In such declarations all of the substances used for coating should be mentioned. Any coloring matter or other substances that may be employed to change the tint of the coffee should be declared on the label.

H. W. WILEY,  
F. L. DUNLAP,  
GEO. P. McCABE,

Board of Food and Drug Inspection.

Approved:

JAMES WILSON,  
Secretary of Agriculture.

Washington, D. C., October 31, 1907.

#### LABELING OF CARAMELS.

The Department is in receipt of the following inquiries from manufacturers of confectionery:

1. *Milk caramel*.—This piece contains no milk, but is composed principally of sugar and glucose, and we would like very much to know if milk were added to this formula whether we could still continue to call it "Milk Caramel."

2. *Peaches and cream caramel*.—This piece is made up principally of sugar and glucose and milk, and flavored with peach flavor. As there are 50 pounds of milk to a batch of 116 pounds, would this be considered as one of the principal ingredients?

3. *Whipped cream caramel*.—This piece does not contain any cream or milk, but is made up principally of sugar and glucose. The batch is, however, whipped, and if we should add milk to it, would it be misbranding to continue to call it "Whipped Cream Caramel?"

Section 8 of the food and drugs act of June 30, 1906, provides that any article of food is misbranded (1) if it be an imitation of or offered or sale under the distinctive name of another article; (2) if it be labeled so as to deceive or mislead the purchaser; (3) if the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substance contained therein, which statement, design, or device, shall be false or misleading in any particular.

These portions of Section 8 bear directly on the above as concerning the labeling of different types of caramels. Caramel No. 1 would be distinctly a case of misbranding, since it contains no milk.

#### ENJOINING OFFICIAL INTERFERENCE.

Some of the millers of North Dakota propose to test the right of the Food Commissioner of the state to make an official crusade against their business. During the past month attorneys for a number of big mills of the state secured a temporary injunction prohibiting Food Commissioner E. F. Ladd from publishing or circulating bulletins condemning the flour manufactured by them. He was also enjoined from seizing plaintiffs' property for alleged violations of the state law and from doing other acts which the Pure Food Law of the state authorizes him to do.

This action was based on a circular issued in September announcing that after the first of October the sale of bleached flour containing any residue of nitrogen absorption, addition or substitution of the product, and intended for consumption in the state of North Dakota, was declared to be in violation of the food law of the state. It was further announced that all other flour bleached by any chemical process or agent and containing no added residual products should be labeled "bleached."

This circular was based on investigations conducted by Professor Ladd and others selected by him, and the millers were allowed no opportunity to be heard, nor, so far as can be gathered, was any evidence heard in support of the processes of chemically treating flour. The action of Professor Ladd in issuing this circular was commented on all over the United States and, no doubt, was prejudicial to the interests of mills using processes similar to those employed in the North Dakota mills. The millers who have undertaken this action believe that the law under which Professor Ladd acted is unconstitutional. Surely in this country the law does not contemplate that government officials, whether state or national, shall interfere with processes of manufacture which are not harmful. Better chemical authority than Professor Ladd has declared bleaching not only harmless, but actually beneficial to flour; and something more convincing than an ex parte investigation should be necessary before such drastic action is taken as Professor Ladd took when he issued a circular aimed at the business of every mill in North Dakota using the bleaching process.—American Miller.



# SCIENTIFIC

## SPIRIT OF CAMPHOR.

DR. T. D. WETTERSTROEM, CHEMIST, OHIO DAIRY AND FOOD COMMISSION.

The paper presented by James Seymour to the American Pharmaceutical Association on "A simple method of estimating Camphor and Alcohol in Spirit of Camphor" contains so few details as to temperature and time limit that the results I obtained do not compare with those he obtained. My conclusions are that the proposed method even with temperature and time limit regulation is not as good as those already in use. His claims of being able to come within one-tenth of one percent of the camphor present seems incredible when in another part of the paper he states that when the camphor is less than two percent present no separation of the chloral-camphor takes place.

The tubes employed in carrying out the experiments were those suggested by Hortvet for the determination of lead precipitates in maple syrup, which apparatus permits its use in the centrifuge which was found necessary to obtain concordant results. These tubes are calibrated in one-tenth cc which makes them more accurate than Seymours which are calibrated only in half cc. According to Seymour, the liquids in the camphor estimation quickly separate. The fact that they do not readily separate suggests the use of the centrifuge. The official spirit of camphor when following Seymour's method after twelve hours separated 2.00 cc of chloral-camphor liquid, which is the same volume as Seymour quickly obtained. The upper liquid still contained camphor-chloral, for when this was placed in the centrifuge and whirled six minutes the camphor-chloral separated was 2.15 cc. The upper liquid was still opaque, indicating that even now all of the camphor-chloral had not been precipitated. Indeed even with the centrifuge it was impossible to obtain a clear transparent liquid with a camphor spirit containing over four grammes to the 100 cc.

The results submitted below are those by using Seymour's method and followed with the centrifuge for six minutes. The temperature was maintained at 20° C. It was necessary to cool the liquids after mixing for the temperature will rise when alcohol and water are mixed together and cause more of the camphor-chloral to remain in solution.

As for the alcohol determination the use of carbonate of potassium presents only a novel idea and has no practical advantage over the older methods in use. It is not even as simple as the addition of an equal volume of castor oil to the spirit. This latter test will detect as little as four per cent of added water, for castor oil is soluble in 92 per cent but not in 91 per cent by volume alcohol. The specific gravity of the camphor spirits below submitted will show an average difference of .0015 for each gramme of camphor added. The alcohol used had a proof of 190.9. Specific gravity can thus be used in accurately determining the amount of alcohol present by reference to the alcohol tables by first deducting .0015 for each gramme of camphor present. The castor oil or the potassium carbonate test could be used as preliminary tests for they are sufficiently close to indicate a willful addition of water. Alcohol can also be determined by first precipitating the camphor with water or salt solution filtering off the camphor distilling the filtrate to a definite volume taking the reading on an immersion refractometer and specific gravity and from the tables the amount of alcohol (ethyl) can be determined. The immersion refractometer is also an excellent means of determining the quantity of ethyl or methyl alcohol or mixtures of both in a liquid.

The method for the estimation of camphor devised by the writer of this article is a modification of Smatolla's method published some years ago. In Smatolla's method petroleum ether was used and the increased volume of the ether solution noted, while in this method ether (ethylic) is employed and a portion removed for weighing.

Ten cc. of spirit of camphor is pipetted into a 100 cc. cassia bottle and saturated salt solution added to almost the shoulder and the bottle is well shaken. The camphor is thrown out of solution and is seen floating on the surface. Two cc. of ether are added and the camphor dissolved by gentle rotation. Enough salt solution is now added to bring

the liquid up in the neck of the bottle and the volume of ether solution is carefully noted.

One cc. of this ether solution is then pipetted out into a large watch crystal and the ether allowed to evaporate spontaneously or by gentle fanning. The crust of camphor is then rubbed with a glass stirring rod until it is in a pulverulent condition and is free from apparent moisture. The weight is then taken which remains quite constant for a few minutes. From this weight of camphor the total amount of camphor is calculated in the total volume of ether solution and this multiplied by ten will be the amount of camphor in the 100 cc. of spirit. It has been found by experiment that about ten per cent of the weight of camphor present is lost by evaporation or remains in solution. Hence for correction add ten per cent of the weight of the camphor recovered for the true camphor content. This weight will check the rotation on polariscope method.

By far the "simplest" means of determining the amount of camphor present is in the use of the polariscope. A 200 mm. tube is filled with the spirit at 20° C and its rotation noted in Ventzke degrees or degrees on the sugar scale. I have used 25 as a factor instead of the theoretical 27.6 and find that the results come closer to the actual amount used than the higher factor. The polariscope can be accurately read to 1-10 of a degree which will be to 1-25 of one per cent of the camphor present. By this instrument there is no chance of any of the camphor getting away by either evaporation or remaining in solution.

An objection may be raised against the polariscope by the fact that artificial camphor is optically inactive and if the artificial camphor had been used a zero reading will result; but as the official camphor is the dextrogyrate modification of the ketone from natural source, hence the use of artificial camphor in any medicinal or pharmaceutical preparation is just as illegal as the total absence of the natural camphor would be notwithstanding statements from a member of the revision committee to the contrary.

A zero reading would be checked up by the above ether method and if not concordant further data would reveal the nature of the substance used.

The following is the data obtained on camphor spirits of varying strengths from one gramme to ten grammes to the 100 cc. of spirit.

Alcohol—Sp. Grav. at 15.6 C. was .8143, or 95.48 per cent, or 190.9 proof.

1 Gm. ....	.8160	+ 2.5'	0.0	1.30	.0714	.093
2 Gms. ....	.8176	+ 4.8'	0.05	1.75	.110	.192
3 Gms. ....	.8190	+ 7.4'	0.30	2.1	.130	.273
4 Gms. ....	.8207	+ 9.8'	0.60	2.25	.1614	.363
5 Gms. ....	.8222	+12.4'	0.95	2.35	.2014	.472
6 Gms. ....	.8235	+14.9'	1.15	2.40	.231	.555
7 Gms. ....	.8250	+17.5'	1.40	2.45	.265	.649
8 Gms. ....	.8265	+19.9'	1.55	2.65	.27	.715
9 Gms. ....	.8280	+22.3'	1.85	2.80	.30	.84
10 Gms. ....	.8293	+25.3'	2.15	2.85	.3239	.92

In Seymour's experiments without the centrifuge he obtained 2.00 cc. of camphor-chloral from the official 10 Gm. spirit and for each gramme of camphor used he obtained an 0.25 cc. of camphor-chloral down to 2 grammes to the 100 cc. of spirit.

From the above table the following amounts of camphor are found: Indicated by polariscope—ether method corrected by adding 10 per cent.

Amount Used.			
1 Gm. ....	1	Gm. to 100cc	1.02 Gms. to 100cc of spirit
2 Gms. ....	1.92	Gms. to 100cc	2.1 Gms. to 100cc of spirit
3 Gms. ....	2.96	Gms. to 100cc	3.00 Gms. to 100cc of spirit
4 Gms. ....	3.92	Gms. to 100cc	3.99 Gms. to 100cc of spirit
5 Gms. ....	4.96	Gms. to 100cc	5.1 Gms. to 100cc of spirit
6 Gms. ....	5.96	Gms. to 100cc	6.1 Gms. to 100cc of spirit
7 Gms. ....	7.00	Gms. to 100cc	7.1 Gms. to 100cc of spirit
8 Gms. ....	7.96	Gms. to 100cc	7.86 Gms. to 100cc of spirit
9 Gms. ....	8.92	Gms. to 100cc	9.2 Gms. to 100cc of spirit
10 Gms. ....	10.1	Gms. to 100cc	10.1 Gms. to 100cc of spirit

The correction of ten per cent added may be slightly too high but it gives this benefit to the manufacturing pharmacist.

Respectfully submitted,

Theo. D. Wetterstroem,  
Analyst for the Ohio Dairy and Food Commission.

Our correspondent, "D. E. W.," figures out that there are on an average five grains of metallic dust in a barrel of flour. As it requires about a year for a person to consume a barrel of flour, the danger of appendicitis from iron dust in the system does not seem to be very imminent; nor the need of a machine to remove the roll-particles from flour very urgent. —American Miller.



## A NEW CHEMICAL TEST FOR STRENGTH IN WHEAT FLOUR.

That different wheats make flours of very different baking values has been known for a long time, and is emphasized by the fact that English millers are at the present time paying several shillings per quarter more for certain kinds of foreign wheats than for home-grown wheat.

Baking value, or strength, as the millers and bakers call it, is a subject of much interest, and many workers have tried to connect it with some definite physical or chemical property of the grain or flour. Thus it has been stated to depend on the percentage of gluten, the percentage of gliadin, or the ratio of gliadin to gluten.

None of these explanations has been found to meet all cases nor is there any likelihood of finding any single factor which is capable of measuring so composite an idea of strength as understood by the miller or baker.

The value of a flour to the baker depends on at least four distinct properties:—(1) the volume of the loaf a given quantity will produce, which may vary more than 30 per cent; (2) the amount of water which a given quantity will absorb in making a dough of proper consistency for baking, which may vary from one-half to three-quarters of its own weight; (3) the shape of the loaf; and (4) such points as texture and color of the bread.

The baker, and apparently most of those who have attacked the problem, have confused these widely divergent properties under the single name of strength, and attempted to find one chemical or physical factor which will measure them all at once.

In taking up this subject, it seemed to me that the most hopeful line was to treat each property as a separate problem, and as the question of size of loaf seemed simplest, I have for the most part confined my attention to that aspect of the investigation.

In converting a given amount of flour into a loaf of bread, the flour is mixed with water and yeast and allowed to ferment for some time. It is then put into the oven and baked. The yeast finds sugar in the flour, feeds on this, and converts it into alcohol and carbon dioxide, and the volume of the loaf must depend either on the volume of carbon dioxide evolved or on the power of the flour to hold this gas.

To test this, a number of flours were obtained from Mr. A. E. Humphries, president of the Millers' National Association, who had kindly tested them in the bakehouse, and determined their strength. The scale of strength adopted is a purely arbitrary one. The mark 100 is assigned to the best flour on the market, and 0 to a flour which is quite unbakable.

In each experiment 20 grams of flour were mixed with 20 cc. of water and half a gram of standard yeast, incubated at 35 degrees C., and the carbon dioxide liberated directly measured. The results are appended:

Reference No.	Baking value or "strength."	CO <sub>2</sub> evolved. cc.
1 .....	96 .....	270
2 .....	90 .....	325
3 .....	73 .....	274
4 .....	68 .....	227
5 .....	65 .....	205
6 .....	45 .....	156
7 .....	36 .....	131
8 .....	20 .....	287

It will be seen that with the exception of Nos. 1 and 8 the order of strength and of carbon dioxide evolved are the same. Perhaps the greatest confirmation of the idea that strength is directly dependent upon the capacity of a flour for acting as yeast food is found in the apparent exceptions. On inquiry from Mr. Humphries, I found that the high mark assigned to flour No. 1 was based upon bakings made after the addition of malt extract, while the low value given to No. 8 was based on baking tests made some months earlier. The high carbon dioxide value actually found for the latter enabled me to predict that the flour must have changed in composition so as to have gained in strength, and this prediction was verified. On baking again it was marked 40, with the report that it made a large loaf, and would have been marked higher but for the bad shape.

The quantity of carbon dioxide given off by a dough will depend upon two things—the sugar present as such in the flour and the diastatic capacity. Analysis showed that in the flours experimented with the sugar present varied from 2.56 per cent in the strongest, to 1.60 per cent in the weakest, and followed very closely the order of strength throughout the series. Diastatic capacity has not yet been thoroughly examined.

The addition of sugar to flour was found always to increase the volume, the weight, and the height of the loaf. In a typical experiment made with household flour the increases were as follows: Volume, 13 per cent; weight, 2 per cent; height, 30 per cent.

These experiments seem to prove conclusively that the volume of the loaf depends in the first instance upon the amount of sugar available in the dough, and a ready test is thus provided for that aspect of strength which is concerned with the size of the loaf. The other factors included in strength are at present under investigation.—Nature.

## SPONGE AND BAKING TESTS.

There is no other test for flour that is so important or so conclusive as the baking test, consequently millers are interested in any method of making this test that can be followed in the mill. In an article on the baking qualities of flour, published in the Journal of the American Chemical Society, Prof. R. W. Thatcher, of the Washington Agricultural Experiment Station, describes a method of making baker's sponge tests and baking tests that can be used in the mill with but slight modifications.

In the baker's sponge test a "standard" dough was first prepared by kneading 30 grams of standard Minnesota spring wheat flour with 55 per cent of its weight, or 17.5 c.c. of water. Equal weights of flour to be tested were treated in the same way, differing only in the amount of water used, in each case varying the amount by 0.5 c.c. The amount of water which gave a dough of the same stiffness as the standard was taken as the correct water-absorption of the flour.

For the expansion tests of dough, a sponge was prepared by mixing 100 grams of flour, 5 grams of compressed yeast, 5 grams of sugar and the proper amount of water, as shown by the absorption test. The yeast and sugar were dissolved in the water, which had previously been warmed to 90 degrees F. The warmed flour and this solution were thoroughly mixed and kneaded to a smooth sponge in a small dough kneader, the latter being so constructed that the dough is constantly worked against the surface of a tank which contains water at any desired temperature. The dough was thus kept at a temperature of 90 degrees F. during kneading.

When thoroughly kneaded, the dough was transferred to a graduated cylinder which had previously been warmed to 90 degrees and slightly oiled on the inside. The cylinder was then placed in an "expansion box," or air-oven, provided with a glass door, through which the rising of the dough could be observed. The temperature of the box was



kept at 90 degrees F. The rise of the dough was observed frequently, and when it reached its greatest height the volume of the dough and the time required for the rise were noted. The cylinder was then taken out of the box and the dough cut down from the sides of the cylinder and kneaded down gently. The cylinder was then replaced in the expansion box and the time and maximum height of the second rise of the dough noted. From these two readings the average time of rise and average volume of rise of the dough from 100 grams of flour were calculated.

Inasmuch as the expansive power of the dough depends both upon the quality and quantity of the gluten present in it, the average rise per gram of gluten may be considered as giving the probable measure of the quality of the gluten as shown by the expansive power of the flour.

In preparing the sponge for the baking tests the same general procedure was followed as in preparing that for expansion tests, except that the amount of ingredients taken was that commonly used in making a one-pound loaf of bread, viz., 340 grams of flour, 10 grams of compressed yeast, 12 grams of sugar, 5 grams of salt and the proper amount of water. The sponge was maintained at a uniform temperature of 90 degrees during the mixing and kneading, which were continued for 20 minutes. The dough was then transferred to a greased bake-pan and placed in the expansion box and allowed to rise until it just touched a tin strip laid across the top of the pan, thus giving a uniform rise for all the samples which were tested. The pan was then transferred to an electric oven, heated to 400 degrees F., and baked for 40 minutes. This oven gave a very uniform and constant temperature, and the conditions of mixing, kneading, rising and baking were identical in the case of each sample tested. Variations in the yeast were guarded against by tests of the fermenting power of each new batch of yeast, and by running duplicate baking tests on the same flour with different lots of yeast.

After baking, the loaves were turned out on a table to cool for 30 minutes, after which their weight and volume were determined. The volume was determined by placing the loaves in a cylindrical box of known cubic contents and then pouring in fine seeds until the box was filled, carefully striking off the seeds level with the top of the box. The seeds which filled all the space around the loaf in the box were then poured into a graduate and their volume ascertained. This, subtracted from the volume of the box, gave the volume of the loaf. By dividing the volume of the loaf by its weight the apparent specific gravity is obtained.

Professor Thatcher believes that the apparent specific gravity, or comparative "lightness," is the best numerical basis of judgment as to the quality of bread. Color, flavor, texture and ability to remain moist, etc., are, of course, qualities which most consumers of flour take into consideration, but these are very difficult, or impossible, of exact measurement.

It is at once apparent that these baking tests were not carried out under conditions which obtain either in home practice or in commercial bakeshops. They were, however, carried out under conditions which it was possible to control, and thus to secure uniformity of treatment of each sample, an absolute essential if comparable results are to be obtained. The method is one that could be followed out in any mill if slight modifications were made to suit existing conditions.

#### BREAD FROM A HYGIENIC POINT OF VIEW.

Weight for weight, though not bulk for bulk, bread must be regarded as one of the most nutritious of ordinary foods. This is due largely to the fact that three-fifths of it consist of solid nutriment, and but two-fifths of water, and there is no animal food, and but few cooked vegetable foods of which the same can be said. Of the chemical constituents necessary for proper nutrition, bread yields to the blood a large proportion of carbohydrates, a moderate amount of proteid and mineral matters, but almost no fat. The fact that bread is usually eaten with butter, however, renders the absence of fat a consideration of but little importance. Yet bread cannot be regarded as a perfect food. The proportion of proteid to carbohydrates is too low. An ideal food would contain one part proteid to 4.2 parts of carbohydrate, whereas in white bread the proportion is only 1 to 8½. In order to ob-

tain from bread the proteid requisite in an ordinary diet, one would require to eat a whole four-pound loaf every day, and that would contain more than twice as much carbohydrate as one really requires. To the ordinary mixed feeder, this does not matter, for he makes good the deficiency of proteid by adding to the bread a "proteid-carrier," such as meat, milk or cheese. Where bread forms the staple article of diet as it does in many poor households, this lack of proteid is a serious drawback. Various methods of overcoming it have been tried, all of which consist in adding to the flour some other highly nitrogenous substance. Pease-meal has been used with this object, and when added to flour in equal proportions, is said to make a good loaf. Skim milk has also been employed. Meat has also been proposed as an addition, two pounds of flour and one pound of cooked mincemeat making a good and digestible loaf, which, with the addition of fat, is almost a complete food. None of the above, including other methods of increasing the amount of proteid in bread, is altogether adapted for ordinary use, while they are all apt to make the cost of the bread too great.

It is often contended that whole meal is preferable to white bread, because it is richer in proteid and mineral matter, and so makes a better balanced diet. Careful examination of the chemical composition of whole meal has shown that, as regards proteid at least, this is not always true, and even were it the case, the lesser absorption of whole-meal bread, which has been seen to occur, would tend to annul the advantage. As regards mineral matter, it has been observed that even in the case of ordinary bread, this is not all absorbed, while the absorption is so much less in whole-meal bread that, as regards the amount of mineral matter yielded to the blood, the two are about on an equality. That said, there is, therefore, no justification for recommending the use of the whole-meal bread by growing children or nursing women. The vexed question of whole-meal versus white bread may, on the whole, be fairly regarded as finally settled in favor of the latter.

Bread is not only one of the most nutritious, but it is also amongst the cheapest of foods. Cheap food, though it be, bread is dear when compared with the cost of flour. As a matter of fact, it has been found that bread costs just twice as much as the ingredients required to make it; in other words, half of the cost of a loaf represents the value of the baker's trouble and time. It follows from this that, where economy is important, it would be cheaper to make one's own bread at home than to buy it from the baker.

Of the patent and fancy breads as a whole it may be said that they are relatively somewhat dearer than white bread. About 1½ pence per pound may be regarded as their average cost. Even ordinary brown bread has ceased to be cheaper than white, and cannot therefore be recommended on that ground.

By way of conclusion, let it be remarked that it is perfectly clear that bread is one of the cheapest foods, not only with regard to the actual weight of nourishment obtained, but also with regard to the variety of the nutrient constituents; and the purchaser who spends his modest 2½ pence on a two-pound loaf, may rest assured that he could not spend his money to better advantage, except, perhaps, in the purchase of oatmeal, which contains slightly more energizing nutriment than bread.

The digestion of bread takes place, in part at least,



in the mouth, by the conversion of its starch into dextrine and maltose, under the action of the saliva. The more thoroughly bread is chewed and ground into particles, the more complete will the transformation of the starch be. It is on account of the greater ease with which they can be pulverized by the teeth that toast and biscuits are more easily digested than ordinary bread, and stale bread than a newly-baked loaf. The dryness of toast and biscuits, too, enables them to become easily saturated with the saliva, and that also greatly facilitates digestion. Further, a considerable proportion of the starch in biscuits and toast has been already converted into soluble forms in the course of their preparation, so that the labors of the digestive juices in their case are considerably lightened. It is for these reasons, also, that the crust of bread is more digestible than the crumb, for the former is dryer and contains a higher proportion of soluble carbohydrates than the latter, owing to the more intense action upon it of the heat of the oven. The notorious indigestibility of new bread, on the other hand, is due to its moistness, which makes it difficult to chew, and at the same time prevents it from soaking up the saliva.

As regards the duration of its stay in the stomach, bread occupies a middle position among the vegetable foods, 70 grammes (an ordinary slice) having completely left the stomach in two hours and twenty minutes, while 150 grammes (two rather thick slices) remain about an hour longer. These periods cannot be regarded as long, when one bears in mind the comparatively huge amount of solid matter which bread contains. White bread is disposed of by the stomach rather more quickly than black, but there is no appreciable difference in this respect between the behavior of whole-meal bread and that made from fine flour. The presence of bran in whole-meal bread, however, may act as a ballast in the stomach, and give to it the greater sustaining power with which it is commonly credited. Considering the large amount of solid nutriment which they contain, biscuits must be regarded as considerably more digestible than ordinary bread. New bread unless very thoroughly chewed, offers greater resistance to the stomach than stale bread, owing to its tendency to form doughy masses. In the intestine the digestion of the starch and proteid of bread is completed, and absorption takes place. On the whole, white bread is very thoroughly absorbed. Even when large quantities are consumed, the loss of nutritive constituent is only about as follows:

	Percentage unabsorbed.
Total solids .....	4½
Proteid .....	20
Mineral matter .....	25
Carbohydrates .....	3

It will be noted that the greatest share of loss falls to the proteids, of which about one-fifth escapes absorption. This contrasts very strikingly with the case of meat, in which the proteid is absorbed almost in its entirety. The defective absorption of the proteids in bread is apparently due in part to the large amount of starch present; in part, also, it may be only apparent, and explicable by the fact that bread requires large production of the digestive juices for its complete solution. The carbohydrate of bread corresponds to the proteid of meat in being almost completely absorbed into the blood. On the other hand, it is rather surprising to find that, of the comparatively small

amount of mineral matter met with in bread, one-fourth is excreted unabsorbed. Seeing that this is the case, it is surely futile to recommend the use of bread containing a larger amount of mineral constituents.

Brown and whole-meal breads differ from white bread, as we have already seen, in containing more or less of the bran of the wheat. Any difference which they show in absorbability, therefore, when compared with white bread, will probably depend on this peculiarity. Seeing that, of the total amount of mineral matter which whole-meal bread contains, fully 65 per cent belongs to the bran, one would expect the mineral constituents of such bread to be specially singled out for defective absorption. And this is so. Fully half of them never enter the blood at all. The carbohydrates, too, of whole-meal bread are not so completely absorbed as those of white bread, more than 5 per cent being lost. Some observers, indeed, have found a greater difference between the absorption of whole-meal and white bread in respect of this constituent than in regard to any other. Again, the results of observations on the absorption of the proteids of whole-meal bread are by no means unanimous. While some experimenters have found but little difference between the behavior of whole-meal and white bread in this respect, others, comparing whole-wheat bread with moderately fine rye bread, have found a difference of ten per cent or more in favor of the latter.—Edward Connor, in *Practical Confectioner and Baker*.

#### THE VIRTUES OF MACARONI.

The last four or five years the public has been in no danger of forgetting that macaroni is a wholesome and nutritious article, for its admirable qualities have been exploited in public reports and private addresses. The United States has an incipient macaroni industry, duly protected by a heavy tariff, and the future of the industry ought to be assured if American manufacturers can supply an article which will take the public eye and meet the public purse.

We do not object, by any means, to the macaroni propaganda as ordinarily conducted; but occasionally the enthusiasts go a little too far. Thus, in a recent article in the *Macaroni and Noodle Manufacturers' Journal*, a contributor compares macaroni with many other common articles of food, to the disadvantage of them all except durum bread, and on this showing declares that there should and would be used fifty or a hundred times as much as is now consumed if the public understood the facts.

But the facts submitted are simply comparative tables of percentages of "muscle formers" and cost per pound, as if that settled the matter. Bread (except durum) shows to a disadvantage by taking a sample of bread of low percentage at the retail price and making the price of macaroni 7 to 8 cents per pound, which, we take it, is the wholesale price. Even then bread does not figure so poorly. But against the anonymous table of percentages quoted we simply wish to quote the statement of Professor Wiley that macaroni differs in food value but little from ordinary white bread, which is the fact.

There is plenty of room for macaroni to grow in favor in this country, but dietary customs change but slowly. If ever the time comes when from fifty to a hundred times as much macaroni is used as at present it will hardly be at the expense of bread, but of more costly articles, like meat and eggs.—



# SOUTH DAKOTA DECISION INVOLVING STOCK FOODS

## MOTION FOR TEMPORARY INJUNCTION DENIED

### COMPLETE COURT REPORT

#### BILL OF COMPLAINANT.

In the Circuit Court of the United States  
for the District of South Dakota.  
Northern Division.

Marion W. Savage, trading as  
International Stock Food Co.,  
Plaintiff.

vs.

A. H. Wheaton, Food and  
Dairy Commissioner of the  
State of South Dakota,  
Defendant.

In Equity.

fl.vV.. (A.Dvhc

To the Judges of the Circuit Court of the United States, for  
the District of South Dakota, In Equity:

Marion W. Savage, of Minneapolis, in the state of Minnesota and a citizen of the State of Minnesota, brings this, his bill, against A. H. Wheaton, of Brookings, South Dakota, Food and Dairy Commissioner of the State of South Dakota, who is a resident of the District and a citizen of said state of South Dakota; and thereupon your orator complains and says:

#### I.

That he is a citizen of the State of Minnesota; that on or about the 15th day of December, 1884, he commenced the manufacture of veterinary medicinal preparations at Dubuque, Iowa; that he subsequently removed to the State of Minnesota, and on or about the 13th day of November, 1889, continued the manufacture and sale of said medicinal preparations, one of which has ever since been known and called International Stock Food and is now sold in every state in the Union, as well as in many foreign countries. That he has conducted said business under the name of International Stock Food Company, but he holds himself out to the public and is well known and understood to be the owner and manager of said business.

#### II.

Your orator shows that for nearly seventeen years he has invested a large amount of money in building up and thoroughly establishing in the State of South Dakota, a large and lucrative trade among retail druggists and others in said medicinal preparation, and at present there are hundreds of such retail druggists and others within said state who are buying, carrying in stock and retailing to the public such medicinal preparations so manufactured and sold by your orator as aforesaid: that the amount of your orator's gross annual sales in said State of South Dakota amounts to many thousands of dollars.

Said medicinal preparation possesses valuable and effective curative properties and effects cures of various diseases of domestic animals. It purifies the blood, tones up and strengthens the entire system and aids the digestion of such animals so that they obtain more nutrition from all grains eaten.

Said medicinal preparation is composed of various finely powdered and medicinal curative roots, herbs, seeds and barks, but the names of said ingredients and the manner of compounding them is a secret formula known by your orator and discovered by him through his knowledge as a druggist, combined with the knowledge as a stock breeder and after experimenting on his own stock for a term of years.

Such secret formula is of great value to your orator because it is a secret obtained at great expense through many years of experimenting and because of the medicinal preparation was made under this formula, has very peculiar and valuable curative properties, as absolutely proven by over twenty years extended sale through the entire world, and the disclosure to the competitors of your orator of the names of the ingredients and the manner of compounding of said medicinal preparations, would not only damage and injure the business of your orator in which he has invested at the present time over one million dollars, but would almost destroy such business of your orator.

#### III.

That because of the great value of said medicinal preparation as a medicine for curing diseases, purifying the blood and toning up the system of domestic animals, it has come to be used very extensively by the public throughout the

United States, as well as throughout the State of South Dakota, and the good name and fame of said medicinal preparation is of great value to your orator.

The commercial or trade name "International Stock Food" is claimed by your orator to be and is well known to the public, to be namely a trade name and is purchased and used by the public solely as a medicine for domestic animals. This trade name is protected under a trade-mark, issued by the United States Patent Office in 1893, and under the medicinal classification. Your orator further states that a similar trade name has been used for a similar medicinal preparation manufactured in England for about seventy-five years, and that these trade names are known throughout the entire world as being applied to medicinal preparations. Your orator states that the United States Internal Revenue Department made a thorough investigation in 1889 of your orator's business, and then held and determined that the preparation manufactured under the trade name of International Stock Food by your orator was a medicinal preparation and nothing else, and must pay the revenue provided for patent medicine under the so-called War Tax Law of 1863, and such tax was paid by your orator until the repeal of said law. Your orator further shows that the Internal Revenue Department of the United States government made a thorough investigation of the business of your orator in 1893 and then held and determined that the goods so manufactured and sold by your orator, known as International Stock Food was a proprietary or patent medicine under the Act of Congress known as the War Revenue Law of 1898, and under such ruling your orator has paid to the United States Government upwards of forty thousand dollars in revenue taxes.

#### IV.

Your orator further shows that the Legislature of the State of South Dakota of the session of 1907, passed "An Act which entitled an Act to regulate the sale of stock food within the State of South Dakota," known as Chap. 151, Laws of 1907, in which it is provided among other things as follows:

"There shall be securely affixed to every box, can or package containing stock food or any mixture or compound intended for use as a stock food, a red label upon the outside, on the face of which is distinctly printed in black ink in legible type, the name and residence of the manufacturer and the words 'this stock food is composed of the following ingredients and none other,' under which shall be printed the common names of each and all ingredients of which said stock food is composed." And Section 3 of such Act provides as follows: "Any person or persons violating any of the provisions of this law shall be guilty of a misdemeanor and on conviction thereof, shall pay a fine of not less than ten nor more than one hundred dollars."

Your orator further shows that A. H. Wheaton, Food and Dairy Commissioner of the State of South Dakota, who is made a party defendant to this Bill of Complaint, is claiming and pretending that it is the duty of your orator to comply with the terms and provisions of said Act with reference to the sale of his preparations aforesaid within the State of South Dakota, and has stated and declared to your orator and now threatens unless your orator shall attach in a conspicuous place on the outside of such package of your orator's medicinal preparations offered for sale within the State of South Dakota, a printed statement of the common name of each and all of the ingredients of which said preparation is composed, and that he will, as such Food and Dairy Commissioner, cause the arrest of every dealer, selling and keeping for sale the said medicinal preparation within the State of South Dakota, unless the Act hereinbefore referred to is complied with by your orator, and the name of each and every ingredient of which said preparation is composed is stated upon each and every package kept or offered for sale within the State of South Dakota.

#### V.

Your orator further shows that the medicinal preparation so manufactured and sold by your orator as aforesaid, does not contain any deleterious or injurious ingredients or substances and it is not claimed by the Food and Dairy Com-



missioner that it does contain any deleterious or injurious ingredients or substances, and, therefore, no valid reason for disclosing the composition of said preparation.

# VI.

Your orator further shows that the said Food and Dairy Commissioner has threatened and intends to cause the arrest and criminal prosecution of any persons within the State of South Dakota trading in or handling your orator's said medicinal preparation unless the requirements of said act are complied with, and your orator believes and charges the truth to be that the said Food and Dairy Commissioner will, unless restrained by this court, cause the arrest and prosecution of persons dealing in said preparation within the said State of South Dakota, thereby causing a multiplicity of criminal suits against your orator and his agents and persons dealing in said preparations within the State of South Dakota, and the great expense and costs necessarily incurred in connection therewith and also render unsalable large quantities of said goods stored throughout the ??? to great and irreparable injury, in this: that it will destroy the trade of your orator and irreparably injure the good name and sale of said preparation throughout the State of South Dakota and throughout the United States and cause him a loss of many thousands of dollars, and that the matter in dispute within the State of South Dakota exceeds, exclusive of interest and costs the sum or value of two thousand dollars (\$2,000.00).

He further shows that the language of said Act of the Legislature of the State of South Dakota does not purport to apply to medicinal preparation generally nor in any way undertake to regulate the manufacture and sale thereof, and the requirements, demands and threats of said defendant as an administrative officer of the State of South Dakota and as an individual are intended to make said statute apply to and effect the medicinal preparation of your orator alone, and not apply nor affect medicinal preparations generally, and, therefore, such acts, requirements, demands and threats under the pretense of administering said statute are in violation of Section 1 of Article 14 of the Constitution of the United States and will, if carried into effect, deprive your orator of his property without due process of law and deprive him of the equal protection of the law; and that said Statute of the State of South Dakota is unconstitutional and void in this: that it is repugnant to that clause of the Constitution of the United States declaring that no state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, and further that no state shall deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the law.

Your orator further shows that said Statute of the State of South Dakota is unconstitutional and void in this: that it is repugnant to that clause of Section 1, Article 6, of the Constitution of the State of South Dakota which provided that all men have certain inherent rights, among which are those of enjoying and defending life, liberty and of acquiring and protecting property, and the pursuit of happiness.

Your orator further shows that said Statute of the State of South Dakota is unconstitutional and void in this: that it is repugnant to that clause of Section 2 of Article 6 of the Constitution of the State of South Dakota which provides that no person shall be deprived of life, liberty or property without due process of law.

And your orator further shows that his constitutional rights, privileges and immunities are threatened to be continually invaded and grossly violated by defendant without redress and to his irreparable injury. All of which doings, threats and pretenses of said defendant are contrary to equity and good conscience and tend to the manifest wrong and irreparable injury of your orator.

In consideration thereof, your orator prays:

(a) That your Honors may adjudge and decree that said Statute of the State of South Dakota may be adjudged to be unconstitutional and void and that the said A. H. Wheaton, State Food and Dairy Commissioner, his deputies, agents, inspectors, clerks, attorneys and assistants, and each of them be perpetually enjoined from publishing in any manner or in any wise warning or notifying any person or persons not to buy, sell or deal in said medicinal preparations or notifying the public or any person or persons that the sale of the same is illegal and contrary to law or to cause the arrest or prosecution of any person or persons dealing in or selling the said medicinal preparations within the State of South Dakota, and for such other and further relief as may be just and equitable in the premises.

(b) That in the meantime, pending the determination of

this suit and until the further order of this Court, this honorable Court will grant a temporary injunction directed to said A. H. Wheaton, Food and Dairy Commissioner and the others above mentioned, restraining them and each of them as above prayed, and may it please the Court to grant to your orator the writ of subpoena directed to the said A. H. Wheaton, Food and Dairy Commissioner of the State of South Dakota, commanding him on a certain day and under a certain penalty therein to be specified, personally to be and appear before this honorable Court, then and there to answer all and singular the premises, but not under oath (answer under oath being hereby specifically waived) and to stand and abide by said order and decree herein as the Court shall make. And may it please the Court to grant to your orator a writ of injunction directed to the said A. H. Wheaton, State Food and Dairy Commissioner and his deputies, agents, inspectors, clerks, attorneys and assistants, enjoining them and each of them as hereinbefore prayed.

And your orator, as is duty bound, will ever pray, etc.

TAUBMAN, WILLIAMSON & HERRIED,  
*Solicitors for Plaintiff, Aberdeen, S. D.*

ROBERT CHRISTENSEN,

*Of Counsel.*

State of Minnesota, }  
County of Hennipin. } ss.

Marion W. Savage, being first duly sworn on oath, says that he is the plaintiff above named; that he has read the above and foregoing Bill in Equity and knows the contents thereof, and that it is true of his own knowledge.

MARION W. SAVAGE.

Subscribed and sworn to before me this 15th day of July, 1907.

BESSIE P. HALL,

(Seal) *Notary Public, Hennipin County, Minn.*

My commission expires Dec. 7th, 1911.

## BRIEF OF DEFENDANT.

In the Circuit Court of the United States,

For the District of South Dakota.

Northern Division.

In Equity.

Marion W. Savage, trading as  
International Stock Food Co.,  
*Plaintiff.*

*vs.*

A. H. Wheaton, Food and  
Dairy Commissioner of the  
State of South Dakota.

*Defendant.*

On Motion for Temporary Restraining Order.

As to repeal of Chapter 153 by enactment of Chapter 151 of the Laws of 1907.

It will be observed that both of these bills organized in the House, and that but five days intervened between the passage and approval of the two acts. Chapter 151 is entitled "An Act to Provide for a State Food and Dairy Commission," while Chapter 153 is entitled "An Act to Regulate the Sale of Stock Food." In Chapter 153 it will be observed that the dairy and food commissioner is charged with the enforcement of this act. Chapter 151 provides for a food and dairy commissioner. It would thus seem that the acts were under consideration by the legislature at the same time, and that it could not have been the intent of the legislature to go through the useless formality of enacting Chapter 153 while another bill was at the same time running through the two houses to repeal it.

But, further, repeal by implication is not favored. In Chapter 151 there is no express repeal of Chapter 153, but if Chapter 151 is repealed at all, it is by implication. It cannot be said that there is anything inconsistent between the two acts, or anything in the act relating to stock food that conflicts with the provisions of the act providing for a food and dairy commissioner; hence we respectfully submit that there is no repeal of Chapter 153, but that both acts may be given full force and effect, and will not be regarded as being in conflict with each other, or in any wise inconsistent as to multiplicity of suits.

This point was not pressed by complainant in oral argument, and defendant believes that no weight can be given to this contention. However, we submit that the following rule obtains, viz., the invoking of the aid of a court of equity by a "peace bill" is not good unless the numerous suits threatened are against the complainant in the bill.

Lewison vs. Anaconda Min. Co., 56 N. Y. Sup. 807.

Crevier vs. N. Y., 12 Abb. Pr. 9 N. S. 340.

Brown vs. Birmingham (Ala.), 37 So. 173.

Hardeste vs. Taft (Md.), 87 Am. Dec. 584.



Hale vs. Cushman (Mass.), 6 Metc. 425.

Kirwin vs. Murphy, 189 U. S. 35.

Even though a state might bring a number of suits against this complainant upon the one ground, yet this is no ground for the interference of a court of equity in order to prevent a multiplicity of actions, since it will not be presumed that the state would institute vexatious litigation.

Pac. Exp. Co. vs. Seibert, 44 Fed. 310.

There is no equity in the bill before the court, for the reason that the bill by its plain terms seeks to enjoin the defendant from causing the arrest of persons other than the complainant. It alleges that complainant is a resident of the state of Minnesota; therefore, that he is not subject to the jurisdiction of our criminal courts. The bill alleges that the merchandise manufactured by complainant *has been sold* by him to parties within this state, and that by the operation of this law, dealers who have bought of plaintiff, and who now own, this stock within the state, are liable to arrest for offering to sell the same. Complainant has no property interest in the goods within the state. If a right exists to protect these goods by injunction, it rests in the persons who own the goods within the state, and who are liable to arrest if they offer to sell the same within the state.

The court will not issue an injunction, nor make a decree, declaring merely an abstract right. (Marye, et al. vs. Parsons, 114 U. S. 325.) Injunction is an extraordinary and a harsh remedy; it is only to be issued where there is a plain prima facie case disclosed by the bill. (22 Cyc. 755.)

We submit that there is no such showing of irreparable injury and damage in the bill now before the court as will bring complainant within the above rule.

First, he has no present property interest that will be destroyed. His interest, if any, is in continuing a sale of goods out of which he may realize a profit. His profits are uncertain, and his element of damage, if any, is speculative and remote. If he does not comply with the law, pending the determination of this case, he can only be damaged to the extent of the profits of what goods he might sell while the case is pending. This is hardly ground for interference by a court of equity with the state law.

But defendant contends that Chapter 153 of the Session Laws of 1907 is a proper and legitimate exercise of the police power of the state. The police power of the state extends to prevent fraud, deception and imposition upon the public.

Tiedman on Limitations of Police Power, Sec. 89.

People vs. Wagner (Mich.), 24 Am. State Rep. 145.

The matter of determining what articles of merchandise are susceptible of fraud, imposition and deception, and what articles should be hedged about by restrictions as to sale, is peculiarly within the discretion of the legislature. The courts will not question the wisdom of the legislature in this respect. It is only when the regulations are so oppressive that it practically amounts to an interference with interstate commerce, or to a deprivation of property without due process of law, that the courts will interfere.

Powell vs. Penn., 127 U. S. 678.

The requirements that certain goods be labeled, for the purpose of showing the constituent parts of an article of food, is a proper exercise of the police power.

State vs. Sherod (Minn.), 83 N. W. 417.

State vs. Asleson (Minn.), 52 N. W. 220.

Palmer vs. State (Ohio), 48 Am. Reps. 429.

Plumley vs. Mass., 155 U. S. 461.

Potapso Guano Co. vs. Board of Agriculture, 171 U. S. 345.

State vs. Snow (Iowa), 11 C. R. A. 355.

While the court will not question the discretion of the legislature to select or determine what articles of trade are likely to be a fraud and deception upon the public, yet the affidavits submitted in rebuttal to the affidavit of complainant will clearly indicate to the court in this case why this particular kind of product has restrictions placed upon its sale.

The act is not class legislation. It effects *all* stock foods of whatever name of make, and all stock foods sold in this state are subject to the same regulations.

Respectfully submitted,

S. W. CLARK,

Solicitor for Defendant.

#### AFFIDAVIT OF PROF. J. H. SHEPARD.

IN THE CIRCUIT COURT OF THE UNITED STATES,  
FOR THE DISTRICT OF SOUTH DAKOTA,  
NORTHERN DIVISION, IN EQUITY.

James H. Shepard, being duly sworn, deposes and says, that he is a chemist by profession, and has been actively engaged as a teacher and writer on that subject for the last thirty years. That he is employed by the state of South Dakota through the office of the Food and Dairy Commissioner,

and among other things it is his duty to make quantitative and qualitative analyses of such foods, stock foods, and other substances, as may be submitted to him by said commissioner. That in the performance of his said duties he has made an analysis of what is known as "International Stock Food," being the same substance alluded to in the affidavit of Marion W. Savage, the plaintiff in the above entitled action, and that hereto annexed marked Exhibit "A" and made a part hereof, is a true and correct statement of said analysis which affiant has made of said "International Stock Food," which stock food affiant purchased in the open market for the purpose of analysis.

Affiant further says that the ingredients contained in the said "International Stock Food" are of less benefit to live stock as a food than ordinary bran and the said "International Stock Food," a statement of which said comparative analysis is contained in said Exhibit "A" hereto attached.

Affiant further says that there is a lack of uniformity in the proportions of the several ingredients contained in said "International Stock Food," as more fully is shown by said Exhibit "A."

Affiant further says that the larger proportion of said "International Stock Food," is screenings and other refuse matter usually purchased at grain elevators at a price less than \$10.00 per ton, and that said "International Stock Food" is sold in cartons and other packages by the plaintiff at the rate of about \$240.00 per ton.

Affiant further says that the said "International Stock Food" possesses no great medicinal properties, as shown by a statement of the ingredients contained therein hereto attached, marked Exhibit "B" and made a part hereof, which would entitle it to the claims made by plaintiff in his affidavit.

Affiant further says that the representations made by plaintiff upon the outside of the cartons and packages in which the said "International Stock Food" is sold are untrue and misleading, and persons relying thereon and purchasing said stock food for its alleged medicinal properties are thereby defrauded.

.. JAS. H. SHEPARD.

Subscribed and sworn to before me this 9th day of October, 1907.

WALLACE E. PURDY,

Notary Public, S. D.

(Notarial Seal.)

#### EXHIBIT "A".

	International	Ordinary
	Stock Food.	Bran.
	Per cent.	Per cent.
Moisture .....	4.71	8.85
Ash .....	15.76	6.55
Ether extract .....	4.27	5.58
Crude fiber .....	11.82	9.74
Crude protein .....	14.15	18.38
Nitrogen free extract .....	49.29	50.90

First we will consider "International Stock Food" as a food. By far the most valuable ingredient of a food is its crude protein or albumenoids. International Stock Food carries only 14.15% as against 18.38% in the bran. Again, the ether extract, which consists largely of fats, is valuable, but International Stock Food carries only 4.27% as against 5.58% in the bran. Another valuable ingredient of a food is its nitrogen free extract, consisting of starch, sugar, etc. In this respect the bran is also slightly better. In estimating the value of a food the water and ash are not included since they have no commercial value.

Different samples of International Stock Food procured from different people and different places are not uniform. The Iowa Station has made nine different analyses of International Stock Food procured from different people at different places. These analyses vary greatly. For instance, the crude protein varies from 8.57% up to 15.79%. The ether extract varies from 2.38% to 7.38%. The nitrogen free extract, or starches, sugar, etc., vary from 33.65% to 49.90%. These results are published in Bulletin No. 87, page 24, by the Experiment Station at Ames, Iowa, a copy of which said bulletin is hereto attached and made a part of this statement.

Attached to and made a part of Exhibit "B."

#### AFFIDAVIT OF DIRECTOR JAMES W. WILSON

State of South Dakota,

County of Brookings.

ss.

James W. Wilson, being duly sworn, deposes and says, that he is the director of the South Dakota Agricultural College Experiment Station, and that in the performance of his duties as such director he has made experiments with different stock foods. That in an experiment in feeding five different kinds of stock foods to pigs, with a grain ration consisting of one-



half barley and one-half corn, as against a lot of pigs the same age, practically of the same weight with the same kind of grain ration, all on rape pasture, it was found that it cost 3.74 cents to produce a pound of gain where no stock food was fed, as against 4.37 cents where the International Stock Food was fed, thus showing the International Stock Food increases the cost of pork production by about 17%.

JAMES W. WILSON.

Subscribed and sworn to before me this 9th day of October, 1907.

(Notarial Seal.)

WALLACE E. PURDY,

Notary Public, S. D.

### DECISION OF THE COURT.

UNITED STATES CIRCUIT COURT, DISTRICT OF SOUTH DAKOTA, NORTHERN DIVISION.

CARLAND, District Judge.

The motion is submitted to the court upon the bill filed by complainant and also affidavits filed by complainant and defendant. The facts appearing from the bill are substantially as follows:

Complainant is a citizen of the state of Minnesota and the defendant, A. H. Wheaton, is the Food and Dairy Commissioner of the state of South Dakota, and is also a citizen of said state. Complainant is the owner of certain veterinary medicinal preparations and is engaged in the manufacture and sale of the same at Minneapolis, in the state of Minnesota. One of those medicinal preparations is called "International Stock Food" and is sold in every state of the Union as well as in many foreign countries.

Complainant has for nearly seventeen years invested a large amount of money in building up and establishing in the state of South Dakota a large and lucrative trade among retail druggists and others, in said medicinal preparation, and at the present time there are hundreds of retail druggists and others within said state who are buying, carrying in, and retailing to the public said medicinal preparation so manufactured and sold by said complainant as aforesaid.

That the amount of complainant's gross annual sales in said state amounts to many thousands of dollars. It is claimed in the bill that said medicinal preparation possesses valuable and effective curative properties and effects cures of various diseases of domestic animals and that said medicinal preparation is composed of various finely powdered and medicinal curative roots, herbs, seeds, and barks, but the names of said ingredients and the manner of compounding them is a formula known only to complainant and discovered by him through his knowledge as a druggist, combined with his knowledge as a stock breeder. That such secret formula is of great value to said complainant because it is a secret obtained by great expense through many years of experiment and because said medicinal preparation has very peculiar and valuable curative properties and that the disclosure to the competitors of complainant of the names of the ingredients, and the manner of compounding said medicinal preparation would not only damage and injure the business of complainant, in which he has invested at the present time over one million dollars, but would almost destroy said business. That the commercial or trade name International Stock Food is well known to the public to be merely a trade name and said preparation is purchased and used by the public solely as a medicine for domestic animals and as such is protected under a trademark issued by the United States Patent Office in 1893 under a medicinal classification.

The legislature of the state of South Dakota in 1907 passed an act which became operative July 1, 1907, known as Chapter 153, Session Laws, South Dakota, 1907, Sec. 2 of which is in the following language:

"Sec. 2. Label. There shall be securely affixed to every box, can or package containing stock food or any mixture of compound intended for use as stock food, a red label upon the outside, on the face of which is distinctly printed in black ink, in legible type, the name and residence of the manufacturer and the words, 'This stock food is composed of the following ingredients and none other,' under which shall be printed the common name of each and all of the ingredients of which such stock food is composed."

That A. H. Wheaton, Food and Dairy Commissioner of the state of South Dakota, defendant, is claiming and pretending that it is the duty of the complainant to comply with the terms of Sec. 2 of said act, when offering for sale said International Stock Food in the state of South Dakota, and has declared to the complainant and now threatens that unless complainant shall attach in a conspicuous place on the outside of each of the complainant's medicinal preparation, known as International Stock Food, a printed statement of each and all of the ingredients of which said preparation is

composed that he, defendant, will as such Food and Dairy Commissioner under other provisions of said Act cause the arrest of every dealer selling and carrying for sale the said medicinal preparation within said state of South Dakota.

That said medicinal preparation does not contain any deleterious or injurious ingredients or substances.

It appears from the affidavit of James Shepard, a chemist by profession, and who has been actively engaged as a teacher upon that subject, and who has been employed by the defendant to make an analysis of said International Stock Food, that the most evident ingredients of said stock food are weed seeds, chaff, bran, common salt, pepper, charcoal and gentian. It is claimed by complainant that the enforcement by the Dairy and Food Commissioner of Chapter 153 above quoted would deprive the complainant of his property without due process of law and of the equal protection of the law. That said act was repealed by Chapter 151, Session Laws of South Dakota, for 1907, and that if it was not so repealed it is void as class legislation. A permanent injunction restraining the defendant from enforcing said law is asked and also a temporary injunction pending the continuance of the suit. The court will not enter into a trial of the merits of this action on application for a temporary injunction but as the remedy asked by complainant would strike down a law of the state of South Dakota, the court ought in justice to all parties to investigate carefully the facts appearing upon the record for the purpose of seeing whether there is a well-founded claim on the part of the complainant that he is entitled to the remedy for which he prays. I do not think that said Chapter 153 is repealed by Chapter 151, Session Laws, South Dakota, 1907. Chapter 153 cannot be held to refer to food for stock in the ordinary acceptance of the meaning of the word food, for the reason if so construed it would require hay, oats and other articles commonly fed to domestic animals to be labeled as required by the act.

Chapter 151 relates to foods generally used by man or domestic animals and so construed is in no wise in conflict with Chapter 153. By the enactment of Chapter 153 the legislature of the state of South Dakota treated complainant's International Stock Food just as he claims it ought to be treated, namely, as a medicine. Its provisions apply to all stock foods or any mixture or compound intended for use as stock food, and is not void as class legislation for the reason that it applies to all persons dealing in a certain class of medicinal preparations, and the court cannot substitute its judgment in place of that of the legislature and say there was no valid reason for passing this law with reference to all kinds of stock foods. When we take into consideration what is claimed by complainant for its stock food as a medicinal preparation, and at the same time take into consideration what is stated to be its evident ingredients by a chemist of high standing in his profession, it is plainly apparent that the legislature had good reason for passing the act in question, in order to protect the citizens of the state against fraud and imposition. It was in the judgment of this court a valid exercise of the police power of the state, as is fully shown by the following authorities:

State vs. Snow (Iowa), 11 L. R. A. 355.

Powell vs. Penn, 127 U. S. 678.

Patterson vs. Kentucky, 97 U. S. 501.

Potapscu Guano Co. vs. Board of Agriculture, 171 U. S. 345.

Plumley vs. Mass., 155 U. S. 561.

Palmer vs. State (Ohio), 48 American Report, 439.

State vs. Assleson (Minn.), 52 N. W. 220.

State vs. Sherrod (Minn.), 83 N. W. 417.

The matter of determining what articles of merchandise are susceptible of fraud and imposition and what articles should be hedged about by restrictions as to sale is peculiarly within the discretion of the legislature. The courts will not question the wisdom of the legislature in this respect. It is only when the regulations are so oppressive that it practically amounts to an interference with interstate commerce or to a deprivation of property without due process of law that the courts will interfere. This being so the court ought not to interfere by the issuance of a temporary injunction where nearly all of the facts which could be presented on a final hearing are present and these facts lead strongly to the belief that the remedy prayed for by the complainant would not be granted. Motion for temporary injunction denied.

(Endorsed)—U. S. Circuit Court, District of South Dakota. Marion W. Savage, etc., Complainant, vs. A. H. Wheaton, Food and Dairy Commissioner, Defendant. Opinion filed October 15, 1907. Oliver S. Pendar, Clerk, by Odin R. Davis, Deputy.



# DIRECTORY OF FOOD CONTROL OFFICIALS

## ARIZONA.

### PHOENIX.

#### TERRITORIAL BOARD OF HEALTH.

Robert M. Dodsworth, M. D., Superintendent of Public Health, Secretary of Board.

## CALIFORNIA.

### SAN FRANCISCO.

#### STATE DAIRY AND FOOD BUREAU, 114 CALIFORNIA STREET.

John A. Bliss of Alameda County, Chairman and Treasurer.

W. Frank Pierce of Alameda County.

Geo. R. Sneath of San Mateo County.

Wm. H. Saylor, Secretary and Chemist.

## CANADA.

### OTTAWA.

#### DEPARTMENT OF INLAND REVENUE.

Wm. Templeman, Minister of Inland Revenue.

W. J. Garold, Deputy Minister.

Thos. Macfarlane, Chief Analyst. (Deceased.)

Anthony McGill, Assistant to Chief Analyst.

S. E. Wright, Assistant Analyst.

E. Davidson, Assistant Analyst.

A. Lemoine, Assistant Analyst.

J. A. Valin, Assistant Analyst.

## COLORADO.

### DENVER.

R. G. D. Bishopp, Dairy Commissioner.

J. J. Gerardet, Deputy Commissioner.

## CONNECTICUT.

### HARTFORD.

J. B. Noble, Commissioner.

R. O. Eaton, Deputy Commissioner.

## DISTRICT OF COLUMBIA.

### WASHINGTON, D. C.

#### HEALTH DEPARTMENT.

Health Officer, William C. Woodward.

Chemist, R. L. Lynch.

Deputy Health Officer, H. C. McLean.

Chief Inspector, Dr. Murray G. Motter.

## GEORGIA.

### ATLANTA.

T. G. Hudson, Commissioner of Agriculture.

R. F. Wright, Assistant Commissioner of Agriculture.

John M. McCandless, State Chemist.

## IDAHO.

### BOISE.

#### STATE DAIRY, PURE FOOD AND OIL COMMISSION.

J. R. Field, Commissioner, New Plymouth.

Prof. S. R. Macy, State Chemist

## ILLINOIS.

### CHICAGO.

Alfred H. Jones, State Food Commissioner.

H. E. Schuknecht Assistant Food Commissioner.

T. J. Bryan, State Analyst.

Miss Lucy Doggett, Assistant State Analyst.

T. J. Nchls, Assistant Chemist Stock Foods.

Frank Hoey, Chicago, Inspector.

C. H. Kjellquist, Rockford, Inspector.

J. C. Eagleton, Robinson, Inspector.

H. J. Hamlin, Jr., Shelbyville, Inspector.

Harrison Kennicott, Glen View, Inspector.

J. L. McLaughlin, Chicago, Inspector.

## INDIANA.

### INDIANAPOLIS.

#### STATE BOARD OF HEALTH.

J. N. Hurty, M. D., Phar. D., Secretary of State Board of Health and State Food and Drug Inspector.

H. E. Barnard, B. S., Chemist.

H. E. Bishop, B. S., Assistant Chemist.

## IOWA.

### DES MOINES.

#### STATE FOOD AND DAIRY COMMISSION.

H. R. Wright, Commissioner.

W. E. Smith, Deputy Commissioner.

W. B. Johnson, Assistant Commissioner.

F. L. Odell, Assistant Commissioner.

J. R. Chittick, Chemist.

Miss Avis Talcott, Assistant Chemist.

## KANSAS.

### TOPEKA.

#### STATE BOARD OF HEALTH.

L. A. Golden, M. D., President.

S. J. Crumbine, M. D., Secretary.

E. H. S. Bailey, Ph. D., Chemist.

#### THE STATE AGRICULTURAL COLLEGE.

#### DEPARTMENT OF CHEMISTRY.

### MANHATTAN.

J. T. Willard, M. S., Professor of Chemistry.

H. A. Wood, B. S., Assistant in Chemistry.

H. H. King, M. A., Assistant in Chemistry.

E. C. Crowley, Ph. B., Assistant in Chemistry.

Alice M. Melton, B. S., Clerk.

## KENTUCKY.

### LEXINGTON.

M. A. Scovell, Director Experiment Station.

R. M. Allen, Secretary and Executive Officer, Food Division.

J. O. La Bach, Chemist, Food Division.

## LOUISIANA.

### NEW ORLEANS.

#### THE STATE BOARD OF HEALTH.

C. H. Irion, M. D., President, New Orleans.

W. Glendower Owen, M. D., Vice-President, White Castle.

W. S. Ingram, Secretary, New Orleans.

## MAINE.

### AUGUSTA.

A. W. Gilman, Commissioner.

L. H. Merrill, Chemist in charge Food Analysis.

## MARYLAND.

### BALTIMORE.

#### THE STATE BOARD OF HEALTH.

Dr. Wm. H. Welch, President.

John S. Fulton, M. D., Secretary.

## MASSACHUSETTS.

### BOSTON.

#### BOARD OF AGRICULTURE, ROOM 136, STATE HOUSE.

P. M. Harwood, General Agent, Massachusetts Dairy Bureau.

J. Lewis Ellsworth, Executive Officer and Secretary of the State Board of Agriculture.

C. D. Richardson, West Brookfield, Chairman of Dairy Bureau.

#### FOOD DIVISION OF BOARD OF HEALTH.

Charles Harrington, M. D., Secretary.

Albert E. Leach, Chemist, Food and Drug Analyses.

Chas. A. Goessman, Milk Analyst for Western Mass

H. C. Lythgoe, Assistant Chemist.

## MICHIGAN.

### LANSING.

A. C. Bird, State Dairy and Food Commissioner.

Colon C. Lillie, Deputy Commissioner.

Floyd W. Robison, State Analyst.

L. H. Van Wormer, Assistant Chemist.

## MINNESOTA.

### ST. PAUL.

#### STAFF OF THE DAIRY AND FOOD COMMISSION.

E. K. Slater, Commissioner.

John McCabe, Assistant Commissioner.

W. W. Wall, Secretary.

Julius Hortvet, Chemist.

R. M. West, Assistant Chemist.

Miss Marjorie Cole, Assistant Chemist.

Genevieve Imus, Assistant Chemist.

## MISSOURI.

### COLUMBIA.

Robert M. Washburn, Dairy and Food Commissioner.

M. H. Lamb, Deputy Dairy and Food Commissioner.

G. G. Strock, Inspector.

R. C. Arnett, Inspector.

Dan Johnson, Inspector.

D. A. Chapman, Inspector.

## MONTANA.

#### MONTANA MEAT AND MILK INSPECTION COMMISSION.

### HELENA.

Dr. Wm. Treacy, President.

Dr. Thomas D. Tuttle.

M. E. Knowles, Secretary.

## NEBRASKA.

### LINCOLN.

#### NEBRASKA FOOD COMMISSION.

Joseph W. Johnson, Deputy Commissioner in charge of the department.

E. L. Redfern, State Chemist.



## NEW HAMPSHIRE.

## CONCORD.

## STATE BOARD OF HEALTH.

G. P. Conn, M. D., President.  
 Irving A. Watson, M. D., Sec. and Director of Laboratory  
 Chas. D. Howard, B. S., Chemist.  
 Walter B. Pope, Assistant Chemist.

## NEW JERSEY.

## TRENTON.

## STATE BOARD OF HEALTH.

Cyrus F. Brackett, M. D., LL. D., President.  
 Henry Mitchell, Secretary.  
 R. B. Fitz, Randolph, Dir. State Laboratory of Hygiene.  
 Shippen Wallace, Analyst.  
 Wm. G. Tice, Analyst.

## NEW YORK.

## ALBANY.

## DEPARTMENT OF AGRICULTURE.

Charles A. Wieting, Commissioner.  
 George L. Flanders, Assistant Com., Albany, N. Y.  
 Henry H. Kracke, Assistant Com., New York City.  
 Ebenezer J. Preston, Assistant Com., Amenia, N. Y.  
 Robt. McAdam, Acting Assistant Com., Utica, N. Y.  
 S. Brown Richardson, Assistant Com., Lowville, N. Y.  
 Charles T. Russell, Assistant Com., Munsville, N. Y.  
 Verlett C. Beebe, Assistant Com., Arcade, N. Y.  
 William T. Hughes, Assistant Com., Rochester, N. Y.  
 John H. Grant, Assistant Commissioner, Buffalo, N. Y.  
 James P. Clark, Assistant Com., Falconer, N. Y.

## STATE DEPARTMENT OF HEALTH.

Eugene H. Porter, M. D., Commissioner.  
 Alec. H. Seymour, Secretary.  
 F. D. Beagle, Chief Clerk.  
 Prof. Willis G. Tucker, M. D., Dir. Bureau of Chemistry.

## NORTH CAROLINA.

## RALEIGH.

## BOARD OF AGRICULTURE.

S. L. Patterson, Commissioner.  
 T. K. Bruner, Secretary.  
 B. W. Kilgore, State Chemist.  
 W. M. Allen, Food Chemist.

## NORTH DAKOTA.

## FARGO.

E. F. Ladd, Food Commissioner.  
 R. F. Flint, Dairy Commissioner.

## OHIO.

## COLUMBUS.

## OHIO DAIRY AND FOOD COMMISSION.

Hon. Renick W. Dunlap, Commissioner, Columbus.  
 Charles H. May, Chief Inspector, Circleville.  
 William Martin, Assistant Com., Chardon.  
 John J. Kinney, Assistant Com., Cincinnati.  
 Dr. James H. Beal, Drug Inspector, Scio.  
 T. D. Wetterstroem, Chemist, Cincinnati, 3935 Spring Grove Avenue.  
 Prof. William McPherson, Chemist, Columbus.  
 O. S. Marckworth, Chemist, Columbus.  
 Dr. J. A. Beer, Chemist, Columbus.  
 Prof. Perry L. Hobbs, Chemist, Cleveland.  
 Prof. Azor Thurston, Chemist, Grand Rapids, Ohio.  
 Prof. H. K. Newton, Chemist, Cleveland.  
 W. E. Johnson, Food Inspector, Jackson.  
 E. J. Riggs, Food Inspector, Gallipolis.  
 C. M. Shafer, Food Inspector, Canal Fulton.  
 Anthony Sauer, Food Inspector, Cincinnati.  
 C. H. Waid, Food Inspector, Wauseon.  
 S. P. Ewing, Food Inspector, Columbus.

## OREGON.

## PORTLAND.

J. W. Bailey, Dairy and Food Commissioner.  
 H. V. Tartar, Deputy Dairy and Food Commissioner.  
 Dr. Charles Withycombe, Dir. Oregon Experiment Station.

## PENNSYLVANIA.

## HARRISBURG.

## DEPARTMENT OF AGRICULTURE AND DAIRY AND FOOD COMMISSION.

N. B. Critchfield, Secretary of Agriculture.  
 James Foust, Dairy and Food Commissioner.  
 Oliver D. Schock, Assistant Dairy and Food Commissioner.  
 Prof. C. B. Cochran, Chemist.  
 Prof. Wm. Frear, Chemist.

## RHODE ISLAND.

## PROVIDENCE.

## BOARD OF HEALTH.

Albert G. Sprague, M. D., President.  
 Gardner T. Swartz, M. D., Secretary.

## SOUTH CAROLINA.

## CHARLESTON.

## BOARD OF HEALTH.

T. Grange Simons, M. D., Chairman.  
 James Evans, Secretary, Florence.

## SOUTH DAKOTA.

## BROOKINGS.

A. H. Wheaton, Food and Dairy Commissioner.  
 G. D. Grover, Assistant.  
 F. G. Orr, Chief Clerk, Evarts, S. D.  
 Prof. J. H. Shepard, Brookings, S. D., State Chemist.

## TENNESSEE.

## NASHVILLE.

## BOARD OF HEALTH.

Dr. Hebor Jones, Vice President, Memphis.  
 Hon. W. W. Ogilvie, Nashville.  
 Dr. R. E. Fort, Nashville.  
 Dr. Louis Leroy, State Bacteriologist.

## TEXAS.

## AUSTIN.

DEPARTMENT OF PUBLIC HEALTH AND VITAL STATISTICS.  
 Dr. Geo. R. Tabor, State Health Officer.  
 E. E. Walker, Secretary.

## UNITED STATES.

## WASHINGTON, D. C.

## DEPARTMENT OF AGRICULTURE.

James Wilson, Secretary.  
 W. M. Hays, Assistant Secretary.  
 H. W. Wiley, Chief, Bureau of Chemistry.  
 W. D. Bigelow, Chief, Division of Foods.  
 G. E. Patrick, Chief of Dairy Laboratory.  
 Dr. L. F. Kebler, Chief of Drugs Laboratory.  
 R. E. Doolittle, Chief of New York Laboratory.  
 R. A. Gould, Chief of San Francisco Laboratory.  
 B. H. Smith, Chief of Boston Laboratory.  
 Howard V. Frost, Chief of Chicago Laboratory.  
 C. F. Brinton, Chief of Philadelphia Laboratory.  
 C. W. Harrison, Chief of New Orleans Laboratory.

## BUREAU OF ANIMAL INDUSTRY.

A. D. Melvin, Chief of Bureau.  
 R. P. Steddom, Chief of Inspection Division.  
 Ed H. Webster, Chief of Dairy Division.

## TREASURY DEPARTMENT.

## BUREAU OF INTERNAL REVENUE.

John G. Capers, Internal Revenue Commissioner.  
 L. M. Tolman, Chief, Division of Chemistry.  
 S. L. Stephenson, Chief, Division of Distilled Spirits.  
 C. A. Bates, Chief, Division of Assessments.

## UTAH.

## SALT LAKE CITY.

John Peterson, State Dairy and Food Commissioner.  
 Herman Harms, State Chemist.

## VERMONT.

## BRATTLEBORO.

## STATE BOARD OF HEALTH.

Charles S. Caverly, M. D., President, Rutland, Vt.  
 Henry D. Holton, M. D., Secretary, Brattleboro, Vt.  
 B. H. Stone, M. D., Director of Laboratory.  
 C. P. Moat, Chemist.  
 H. L. White, Chemist.

## VIRGINIA.

## RICHMOND.

G. W. Koiner, Commissioner of Agriculture.  
 E. W. Magruder, Chief Chemist.

## WASHINGTON.

## DAVENPORT.

L. Davies, State Dairy and Food Commissioner, Davenport, Washington.  
 L. W. Hanson, Deputy Dairy and Food Commissioner, Seattle.

Prof. Elton Fulmer, State Chemist, Pullman, Washington.

## WEST VIRGINIA.

## CHARLESTON.

## STATE BOARD OF AGRICULTURE.

James O. Thompson, Secretary.

## WISCONSIN.

## MADISON.

J. Q. Emery, Dairy and Food Commissioner.  
 H. S. Baer, Assistant Commissioner, Dairy Expert.  
 J. G. Moore, Second Asst. Commissioner, Creamery Expert.  
 F. M. Buzzell, Chief Food Inspector.  
 Richard Fischer, Ph. D., Chemist.

## WYOMING.

## EVANSTON.

## STATE BOARD OF HEALTH.

E. W. Burke, State Dairy and Food Commissioner.  
 Prof. Henry G. Knight, State Chemist, Laramie.





# Henderson Bourbon

and

# Maryland Reserve Rye

Analysis Proves them to be

## PURE FOOD WHISKIES

Up to Standard and True to Label

For Sale by

**BREEN & KENNEDY**

187-189 Washington Street  
CHICAGO



## REBELLIOUS STOMACHS

It is best for all who are troubled with disorders of digestion to adopt a simple, nutritious diet, ignoring those foods which induce irritable conditions.

## DR. PRICE'S WHEAT FLAKE CELERY FOOD

can be regularly eaten by persons with the most dyspeptic and rebellious stomachs. It is made from the whole grain of the wheat with celery, and aids in regulating the bowels.

**Palatable—Nutritious—Easy of Digestion and Ready to Eat**

Can be served hot. Put in a hot oven for a few minutes; or cook in boiling milk.

10c a package  
All Grocers

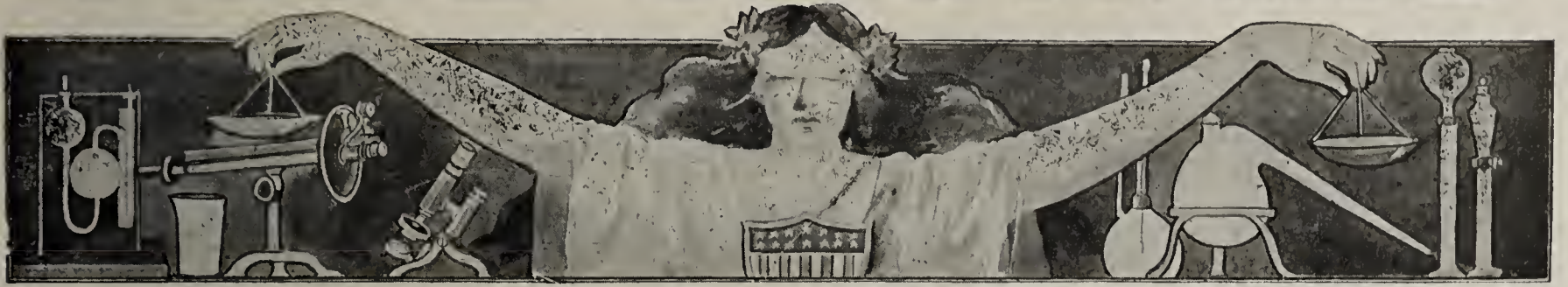
My Signature  
on every  
package

*Dr. W. C. Price*

86



# THE AMERICAN FOOD JOURNAL



Vol. II No. 12

CHICAGO, DECEMBER 15, 1907

10c. Per Copy  
Monthly \$1.00 Per Year



**EXHIBIT OF THE AMERICAN LABORATORIES**  
at the World's Pure Food Exposition, Chicago



# Good On Hot Cakes

Karo Corn Syrup—a better  
syrup than you ever tasted.

# Karo

## CORN SYRUP

is a *food* sweet and best fulfils  
every purpose for which a  
syrup can be used.

In 10c, 25c, 50c air-tight tins.

**CORN PRODUCTS  
MFG. CO.**



# ATLAS Harmless Synthetic Colors

ATLAS VEGETABLE COLORS  
IN PASTE OR DRY FORM

## Atlas Carmine

No. 40

Guaranteed absolutely free  
from coal tar matter. Has  
no equal in strength, clearness  
or brilliancy.



## Koncentrona

:: :: OUR NEW :: ::  
VEGETABLE BROWN

To replace Coal Tar or Iron  
Browns. The only adaptable  
Vegetable Brown, very strong  
and correct in shade.

# H. KOHNSTAMM & COMPANY

Established 1851

112 Franklin Street, CHICAGO

87 Park Place, NEW YORK



# THE AMERICAN FOOD JOURNAL



Vol. 2. No. 12.

CHICAGO, DECEMBER 15, 1907.

Monthly, \$1 Per Year.  
10c Per Copy.



## DECEMBER

Cold snow without warm cheer within—  
Thus doth December month begin!  
Then Santa comes with Christmas fun—  
And lo, behold! the year is done!

BYRON WILLIAMS.



# Diverse Views on Bleached Flour

## DR. WILEYS' VIEW.

Dr. Harvey W. Wiley, Chief Bureau of Chemistry, prepared a paper for the meeting of the Pennsylvania State Millers' Association which was held in Lancaster, Pa., on Sept. 25, 26 and 27. It was read on that occasion and is herewith published.

### SOME PROBLEMS IN THE MILLING INDUSTRY.

There are many important problems of a purely technical character which millers are constantly called upon to consider. These problems relate to improvements in machinery and processes, methods of cleaning and preparing the grains, and methods of packing and transporting the products. These are matters which do not in any way concern the pure food law, nor do they present any points of a chemical or scientific character.

There are other problems, however, in which the chemist and the official in charge of the enforcement of food laws has an interest almost equal to that of the miller.

The object of the present paper is to state some of these problems in the hope that collaboration may be secured with the millers in solving them. In the first place it is not expected that the chemist or the official in charge of the enforcement of the law should be skilled in the art of milling; in the second place it is not expected that the miller should be a skilled chemist, or skilled in the art of enforcing a law. Hence, the necessity of sympathetic collaboration in order that all interests may be properly protected. I wish to state briefly some of the problems which should be considered.

### BRANDING AND MISBRANDING.

First, the problem relating to labeling: The food law requires that food products entering into interstate commerce should not be misbranded in any respect, or carry any false or misleading statement, design or device. This is a very broad inhibition. It is evident that it is not necessary that a label be positively false in order to come within the scope of the law, but if it is misleading or deceptive in any way it becomes subject to the law. Milling products, therefore, should be correctly branded in regard to the kind of raw materials used; if spring wheat is used the product is properly a spring wheat flour; if winter or fall wheat is used the product is properly fall or winter wheat flour; if the two be mixed together the product is properly a blend of winter wheat and fall wheat flour. If a product be milled wholly within one state, the product must be regarded as being from that state, although the raw material might have come from without the state.

### LOCATION OF MILL.

For instance, the term "Minneapolis Flour" would be applied to any flour produced in Minneapolis, but the term "Minnesota Wheat Flour" could only be applied to the product of wheat grown in Minnesota, no difference where it might be milled. Again, the phrase "whole wheat flour" or "entire wheat flour" is not a proper one if any of the articles of the wheat are separated, hence it is evident that such a term could only be applied to what is generally known as unbolted flour. Attention should also be directed to the use of the term "gluten flour." This term should not be applied to an ordinary flour rich in gluten, as is often

the case, but only to a flour from which the principal part of the starch has been removed in some way. The term "rye flour" cannot be properly applied to any product except that derived wholly from rye, and the same is true of buckwheat flour. There can be no possible objection to mixing different flours together provided the label plainly distinguishes the character of the mixture and the proportions of each of its ingredients; but a mixture of wheat flour and rye flour could not be called rye flour, and a mixture of rye flour and buckwheat flour could not be properly called buckwheat flour.

These are illustrations of some of the principles of correct labeling as to state where the cereal is produced, where the product is made, and the character of the product which is sold. If millers inadvertently have been branding their products otherwise than as described above they should hasten to correct these faults in order that their products may be suitable for interstate commerce. Products which are made and sold wholly within a state, it is well understood, do not come within the provisions of the national law, but are subject solely to the state laws.

### BLEACHING FLOUR.

Another problem of great interest at the present time is that of bleaching flour at the time of its preparation. This is a matter on which I am not yet able to formulate an opinion except that it is always safe to abstain from mixing any chemical of any kind with a food product. The manufacturer who adds chemicals to foods must run the risk of offending the law providing the resulting products are misbranded, damaged or inferiority concealed, or contain a substance which may render them injurious to health. I believe the process of bleaching at the present time is almost exclusively that of introducing into the flour the oxides of nitrogen, in other words, a radical of nitric acid. Nitric acid is an extremely strong acid commonly known by the term aquafortis. It is highly corrosive and destructive. It is claimed in the case of bleaching with oxides of nitrogen that the quantity introduced is minute and, therefore, harmless. It has never appeared quite plain to me that a harmful substance can be used in minute quantities without danger. The injury which is produced will doubtless, in most cases, be proportionate to the quantity used, so that a very small quantity of the material will produce a very slight injury and an infinitesimal amount of the material will produce an infinitesimal injury.

### THE COLOR OF FLOUR.

Without going into the question of the injurious effects produced save to sound this note of warning, attention should be called to another feature, namely, that of the possibility of deception. Unfortunately many people are of the opinion that the value of the flour is measured solely by color, whereas in point of fact the color is a mere accident and not a quality. The public taste for white flour and white bread is evidently a cultivated taste, and cultivated along a line which is not altogether advisable. The amber, dark, or black breads are known to be extremely nutritious and are much relished by many nations, especially those of Europe. In this country a bread made from Indian corn, which is yellow in color, is very much prized by many consumers, but bread made from



wheat, according to public opinion, must be almost perfectly white. Its extreme whiteness is obtained at the sacrifice of some of the most useful ingredients of the wheat kernel and the accumulation of the more starchy matters therein contained. The admixture of the glutinous parts of the wheat, with a portion of the germ, with the flour is evidently a process which gives the effect additional nutritive value.

#### A MARK OF EXCELLENCE.

But the germ contains an oily substance, usually of a yellowish tint, and thus a slightly amber tint is imparted to the flour, which should be a mark of excellence and not of inferiority. In the bleaching of flour it is the oily content which is principally affected, the oxide of nitrogen combining with the oil and converting that oil into a different substance, and at the same time largely discharging its color. The product is, therefore, made to appear whiter than it really is. If this be the case, and it is quite plain that it is, the next question is, Does the product sell for a higher price than it otherwise would? If this be the case it is evident that the purchasing public is deceived respecting the quality of the product. No one, I believe, claims that a bleached flour is any more nutritious or palatable than one that is unbleached. Hence, if the bleaching adds nothing to the value of the flour and yet permits it to be sold at a higher rate, damage or inferiority must be concealed. Now, I will not state that any of these assumptions are real facts; I am only stating the problem as it is and which has been presented for your help in solving it.

#### CURIOUS REASONING.

Can you tell me whether a bleached flour has a higher commercial value than one which is unbleached? That is a question which every miller and every merchant should be able to answer from experience and not from theoretical considerations. It is evident, I think, to every one that if the miller receives a larger sum of money for a product of the same nutritive value as it was before being bleached there must be some wrong or injury done to the consumer. If it can be shown, on the other hand, as is claimed also, that the process of bleaching improves the flour in respect of purification, and also its nutritive value, then its bringing a higher price would be a legitimate transaction and there would be no fraud or deception practiced upon the consumer.

These are points which the experience of the miller can help to illustrate.

#### TRUTH MUST PREVAIL.

I may close by calling attention to the fact that in the investigations which are making the sole purpose which is kept in view is to ascertain the truth; whatever is truth in this case must prevail, no matter what commercial or manufacturing interests may be in the way. What is true is for the benefit of all; what is false must be only for the benefit of some. I have been told that there is quite a sentiment among millers either to have the whole process of bleaching done away with or to have everybody engage in it. It seems to me that with the present light which we have it would be far better to follow the former course. The milling products which were made in this country prior to the introduction of processes of bleaching were excellent, wholesome, and, in my opinion, good enough for any consumer. I hardly believe that the milling products can be improved by the introduction of a chemical of the nature of the oxides of nitrogen.

#### VIEWS OF THE "NORTHWESTERN MILLER."

As a curious mixture of sense and nonsense, the address of Dr. Harvey Washington Wiley, chief of the Bureau of Chemistry at Washington, read before the millers of Pennsylvania last month and published in this issue of the *Northwestern Miller*, will repay reading. As the officer of the government charged with the enforcement of the Pure Food Law, Dr. Wiley's opinions as to the meaning and intent of the law and the manner in which millers must proceed in order to meet its requirements are, of course, entitled to serious consideration. To disregard his advice in this direction might very easily get the miller into trouble with the government functionaries.

It is therefore desirable, indeed it is necessary, to give heed to Dr. Wiley's admonitions and be governed accordingly. To do him justice there is nothing thus far in his actual rulings that need give the honest miller any anxiety, once he understands clearly what is required of him; the other kind of miller, if there be any such, will take his chances with the law as he does with other established customs of the trade. The broad meaning of the Pure Food Law is that the brand on a package must tell the essential truth concerning the contents, and no legitimate miller will quarrel with this.

The collaboration which Dr. Wiley says he is desirous of securing from the millers in solving the problems which confront him in dealing with the manufacture of flour will be forthcoming without doubt, but he will have to excuse them from participating in some of the peculiar personal opinions which he still stubbornly cherishes, despite the clear and positive proofs which science has given to the contrary. If he insists upon injecting these peculiar personal views of his into all discussions of the subject, as he has in several instances in this paper, millers will with reason protest most vigorously and emphatically and Dr. Wiley will find himself in serious trouble.

The eminent chief of the Bureau of Chemistry has apparently never overcome his strong admiration for the famous Schweitzer system of milling which he "discovered" at the Paris exposition and, seven years ago, hailed as the best method of flour making. This Schweitzer machine simply ground up the wheat as it came from the field without cleaning and made a dark, coarse bread which the Doctor greatly admired and highly praised. We think he stated at the time that this method was destined to supplant the American style of flour making, but up to the moment it does not seem to have done so.

Dr. Wiley's predilection for dirt in flour is shown by the preposterous statement he makes in the paper referred to. Speaking of the color of flour he says: "Its extreme whiteness is obtained at the sacrifice of some of the most useful ingredients of the wheat kernel and the accumulation of the more starchy matters therein contained." He loves the black bread of the old countries, as witness this: "The amber, dark or black breads are known to be extremely nutritious and are much relished by many nations, especially those of Europe." Dr. Wiley deplores the demand of Americans for white flour. "The public taste for white flour and white bread is evidently a cultivated taste," he says, "and cultivated along a line which is not altogether advisable."

The reiteration of such absurd and long exploded fallacies is in bad taste and shows that Dr. Wiley is



still densely ignorant of the truth. Such expressions as these coming from an officer of the government are entirely out of place and cannot but serve to damage the reputation of white flour among those as ignorant of its nutritive value and as prejudiced against it as the chief chemist himself. White flour is white mainly because it is perfectly clean and pure; absolutely nothing that is useful or nutritious has been sacrificed to make it white. Black bread is black mainly because the impurities in the wheat have not been properly removed before grinding; the dark color in flour is not an indication of purity, on the contrary it is the result of poor milling, dirty surroundings and lack of scientific knowledge.

The public desire for white flour has not been cultivated, it is the natural and proper taste of a civilized and cleanly people for that which is the choicest and best. The people demand white flour because it is the most nutritious and palatable as well as the most inviting. It would be far easier to produce dark flour, but, in order to do so, the millers of the country would have to reverse the progress they have made in the art of milling during the past fifty years, a progress that has been steadily and consistently in the direction of getting all the good there is out of the grain and making the product as free from dirt and other impurities as possible.

As a private individual, Dr. Wiley has a right to eat dirty bread if a perverted taste leads him in that direction, but, as a public official, he should refrain from airing his fad fancies in connection with plans to carry out the Pure Food Law. He says: "In this country a bread made from Indian corn, which is yellow in color, is very much prized by many consumers." He might have added—mostly negroes.

If Dr. Wiley desires to eat negro food and the black bread which the peasantry of Europe eats, not because it wants to, but because it cannot afford anything better, no one will attempt to deny him, but the milling public can well be spared the expression of his antiquated, erroneous and degenerate views concerning the value of white flour. Fortunately he is quite powerless to enforce this odd taste of his own upon the public. The people know what they want and the millers propose to continue to furnish them with the best and purest flour that they know how to make.

The Northwestern Miller does not find fault with Dr. Wiley's notions as to branding flour, although a strict observance of his suggestions on whole wheat flour and rye flour would make unnecessary difficulties for the miller of those products. It is doubtful if a rye flour made entirely and exclusively of rye would be either salable or palatable, but there is no very great objection to branding a product in which wheat and rye flour were mixed according to its contents. The brand should not misrepresent facts; that is the substance of his ruling and it is perfectly right that this should be so. In this regard the Northwestern Miller is absolutely in accord with Dr. Wiley.

As to bleaching flour, Dr. Wiley says he has not yet been able to formulate an opinion. From his remarks upon this subject it is evident that he needs much more information than that already possessed by him, as some of his tentative propositions are quite absurd and irrelevant. It has been fairly well demonstrated that the methods used in bleaching flour cannot possibly harm the product. Dr. Wiley holds that if it can be shown that bleaching improves the flour in respect

of purification and also adds to its nutritive value, then no fraud would be practiced upon the purchaser by the sale of bleached flour. The demonstration of the value of bleaching in respect of these qualities may be left, for the present, with the owners of the process patents. They will doubtless be able to present a strong case for their method.

In this connection, Dr. Wiley presents a line of reasoning to determine whether or not the bleaching of flour is a wrongful act which is absolutely unique and truly remarkable. He says that "if a miller receives a larger sum of money for a product of the same nutritive value as it was before being bleached there must be some wrong or injury done to the consumer." This one sentence is startling evidence of the extent to which the present administration and its officers propose to go in establishing a paternal government. According to this the Pure Food Law is to be made to apply to the price which the manufacturer is able to obtain for his commodity. If, in the opinion of the government, this price is too high, the manufacturer is to be compelled to so brand his product as to interfere with its ready sale and thus adversely affect its selling value.

Dr. Wiley's test of price, in order to be logical, should be equally applicable in its reverse. That is to say, if flour, after being bleached, sells for a less price than before, the act of bleaching is not wrongful. The same absurd reasoning could with equal logic be applied to any other process which the manufacturer might choose to adopt. For instance, if a miller packed his flour in an attractive bag and dared to ask and receive more for it than it was worth before he thus packed it, according to Dr. Wiley, "there must be some wrong or injury done to the consumer."

Broadly applied, this sweeping price test would instantly destroy all individuality in the sale of products; it would reduce to one level all brands; reputations, built up by years of conscientious effort, would, if they commanded a premium in price, be *prima facie* evidence of fraud and the whole commercial fabric, based on individuality, would, under government control, become subject to the ruling and determining price of bulk staples.

If such a ruling is to obtain, then the miller whose brand commands a premium will have to sell at the same dead level as his competitor, because it could be easily shown that by putting his name on the package he had done nothing to add to the nutritive value of the flour, hence "there must be some wrong or injury done to the consumer." In other words, the man who handles a product on its way from the raw material to the consumer must be prepared to establish the fact that he has increased and improved its value in order to secure a higher price for it, otherwise he will be penalized by being obliged to label it in a way to retard and embarrass its sale.

If Dr. Wiley's preposterous position be tenable and is actually sustained by the government, there will be an end to individual effort and all manufactured products of the same general class will be reduced to one common basis of price, this, doubtless, to be fixed by the government. Common sense would dictate that the price at which the commodity sells has nothing whatever to do with the question of its purity. If bleaching flour impairs its quality, as compared with unbleached flour, then the bleached flour should be labeled, so that the buyer may know that he is purchasing an impaired



product. If it does not harm the flour, it should not be discriminated against.

One more thought in connection with Dr. Wiley's remarkable paper should be considered. It is significant that he has neglected to refer to the branding of flour made from a mixture of standard wheat with his department's pet cereal, Macaroni wheat. It can be established beyond the shadow of a doubt that Macaroni wheat does not contain the nutritive bread qualities of standard wheat. Moreover, it can be bought for a less price. If, therefore, a miller mixes Macaroni wheat with regular wheat and sells the product as pure wheat flour, he has adulterated his product according to the very same test that Dr. Wiley has himself applied.

He has used a cheaper ingredient to produce a flour that sells for the same price as that made from the dearer one. He most assuredly has not added any nutritive value to his flour, indeed he has reduced its value in proportion to the amount of Macaroni he has used. Consequently "there must be some injury or wrong done to the consumer," according to Dr. Wiley's judgment. Yet if the chief chemist dared apply the same ruling to a mixture of Macaroni and standard wheats that he has to whole wheat flour, or to rye flour, or to bleached flour, although the deleterious effect of such a mixture is far more easily proven, he would probably not hold his position twenty-four hours.

The millers want a square deal in the application of the Pure Food Law and they will insist upon having it. Dr. Wiley's peculiar personal views as to the kind and color of flour he himself prefers and considers nutritious, not being based upon scientific and well established facts, must be put aside as irrelevant. Because Macaroni wheat is the pet fad of the head of the Department of Agriculture, it should not receive special favor or protection. To it should be applied the same rules that apply to mixtures of other cereals. As for the bleaching process, an attempt to penalize its use without absolute and incontrovertible proof that the product has been damaged should be promptly resented and the consideration of price at which flour is sold should not be allowed to enter into the discussion at all, as it has absolutely nothing to do with the question at issue.

#### **DURUM FLOUR IN BREAD-MAKING.**

The importance of the realization of durum wheat, which is being extensively grown on our semi-arid regions, in flour and bread making and the connection between the commercial success of this flour and the chemical bleaching of flour makes the article in the *Roller Mill* by Prof. David Chedlow on "The Relative Practical Value of Durum Wheat Flour in Bread-making," of especial interest to our chemist clientage.

Much of the discussion centering about the use of durum-wheat flour for bread-making has been based upon a misconception of some of the elementary principles of bread-making; these must be grasped in an exact, even if elementary, way before the question can be safely discussed. In the first place, some of the primary facts regarding the properties of flour in bread-making should be briefly understood to apply the basic principles of bread-making.

If we take four representative flours and compare them for their capacity to make a loaf of a given size, we get at some of the simplest comparative facts

about the flours. For this purpose we may take the usual commercial patents made from spring, soft winter, Kansas and durum wheats. If we wish to make a loaf from these flours as large as the spring-wheat flour would make, and employ a method requiring six hours from the time the dough is made until it is moulded into the pan, we should require to use about 15 per cent more of soft winter wheat than we use of the spring patent, about 5 per cent more of the Kansas patent, and about 7 per cent more of the durum-wheat patent.

In other words, the capacity of these flours to expand to a given volume is indicated by these relative proportions. The commercial baker is the only one interested in this capacity for expansion. The eater of the bread is only interested in its flavor, and does not care whether durum-wheat flour has an expansion equal to 9 or 100 per cent of spring-wheat flour.

#### **DIFFERENCE IN YIELD.**

So far I have referred only to the relative difference in size of loaf from the same weight of flour, but in addition to this there is also the difference in yield; that is, the difference in the amount of water required to make a dough of standard stiffness. Under usual conditions the four flours referred to require of spring wheat 62 pounds, soft winter wheat 56 pounds, Kansas wheat 60 pounds, and durum wheat 64 pounds of water for each 100 pounds of flour, so that there is also a difference in the amount of water required to make dough, which necessarily means a different yield of bread per barrel of flour. Then, too, there is a difference in the quality or flavor; these are usually combined with texture, meaning by this a uniform cellular structure of the loaf. In this property soft winter-wheat flour stands very high, being about 15 per cent above spring-wheat flour; Kansas flour being about equal with, and durum wheat flour about 5 per cent lower than, spring-wheat flour. This lower quality in durum-wheat flour is exhibited in the bread in a slight beany flavor, which is much liked by some and not cared for by others, but is quite perceptible.

#### **DISTINCTIVE COLORS.**

The natural colors of these flours are quite distinctive, the soft winter-wheat patent being almost of creamy chalkiness, Kansas flour of a richer creaminess and less white, while immediately following is spring-wheat flour with a mellow creaminess, with durum-wheat flour last showing with a deep orange-tinted yellow. The color of the bread from durum-wheat flour, however, is not unpleasant; in fact, many prefer its rich color to that obtained from the same kind of flour bleached.

These properties of flour are easily found in a technical way, and represent the commercial values of the respective flours. In a general way, the desire of the bread-buyer for a large loaf of bread is founded upon instinctive perception that bread capable of making a large loaf is, of itself, good food; because usually the smaller the proportion of gluten the smaller the loaf of bread. For example, soft-winter patent containing 9 per cent gluten and spring patent containing 11½ to 12 per cent of gluten readily show under comparison why spring patent makes a loaf having 100 per cent volume and winter patent a loaf having 85 per cent volume; and seeing that gluten represents the most valuable part of the flour, the size of the loaf would instinctively be associated with higher food value. But this reasoning does not apply in the case



of durum-wheat flour, because the proportion of gluten is usually equal and sometimes superior in durum-wheat flour to that in spring-wheat flour.

#### FERMENTING PERIODS.

So far we have dealt with the properties that influence the commercial value of the flours; now we may refer to their technical relations, which influence the choice of the method by which they should be converted into bread. During fermentation certain definite changes occur in the character of the gluten, enabling it to stretch more than when it was first made into dough and thus imprison more gas so as to make a large number of small cells. The amount of fermentation required to bring this about for the different flours has been accurately ascertained and expressed as "units of fermentation," or, to use a more general term, the "fermenting period," of the flour in question. Spring-wheat flour has been adopted as a standard, and a given amount of yeast fermenting at a certain specified temperature for so many hours has been found necessary for this flour, such amount being called "100 per cent," or more "fermenting period 100." For example, in making a loaf of a certain character, commonly known and accepted by bakers as a home-made loaf, where the average temperature of the dough is 84 degrees Fahr. and the dough ferments six hours from the time it is made until it is moulded into a loaf, it has been found that 100 pounds of flour require 0.97 pound (or approximately 15½ ounces) of yeast in order to insure sufficient. In commercial practice this amount of fermentation—six hours, using 0.97 pound of yeast—expresses units of fermentation for that particular flour, and this amount of fermentation is said to be 100 per cent. Under similar conditions soft winter-wheat flour would require about 82 per cent; that is, it would have a fermenting period of 82. Kansas flour would have a fermenting period of 95, and durum-wheat flour about 110. It will be seen from these statements that if one attempted to make all of these flours into bread by identical methods the result would always prove best for that flour only for which the method was best adapted; a conclusion borne out by the facts of experience.

Units of fermentation are the same whether yeast be more and time less, or time more and yeast less. The results, however, are not the same; for although durum-wheat flour requires 10 per cent more fermentation than spring-wheat flour, it also requires a relatively longer time. This again is best illustrated by example—to wit, if a certain kind of bread were being made from spring-wheat flour where the dough fermented four hours from the time it was made until it was panned, then durum-wheat flour to achieve the loaf value which has been given it above should be fermented 5½ to 6 hours. Of if spring-wheat flour gave a certain character of bread when fermented 6 hours, then durum-wheat flour should be fermented 8½ to 9 hours—still keeping in mind the dominant fact, noted at the beginning, that in the best of cases durum-wheat flour will still make a loaf about 8 per cent smaller than spring-wheat flour. Of course the baker could force the durum loaf to expand by letting it rise longer, but in that case the interior structure of the baked loaf would be coarse and somewhat dark, would dry out quickly after baking, and would crumble when cut 24 hours after being made.

#### DURUM AND WINTER.

Under all conditions durum-wheat flour will make a larger loaf than soft winter-wheat flour. I have just

returned from a brief sojourn in the Virginia mountains near Hot Springs, the bread there was derived from the local wheat, the flour containing a little over 8 per cent gluten. The bread was excellent when fermentation was right, but none of us who ate the bread asked that it be made light and larger or more expanded. We thought it made pretty good bread by itself and certainly made much better bread than many bakers made from spring-wheat flour. Yet most of the modern bakers would state that commercial bread could not be made from winter-wheat flour.

#### ITS OWN METHOD.

These statements regarding flours and their technical value are statements of fact and they are not disputed. They have been proved thousands of times. There has been no attempt to color them in any way in this presentment, so they may be accepted without the least doubt. From them I think the inference is clear that durum-wheat flour will make good bread when it is made by the method best adapted to it, but it will not make the same kind of bread as can be made from spring-wheat flour. It is these two facts which have caused all the trouble and discussion concerning durum-wheat flour. The man who wants to use durum-wheat flour must find out the best methods of converting it into bread, and he must find out whether his customers want the bread; after he is satisfied on these two points then it is simply a question of commercial adjustment.

#### PUBLIC FLOUR TESTING PLANT.

We are indebted to the Bakers' Helper for the following article by Prof. R. Harcourt of the Ontario Agricultural College at Guelph, Canada, who describes the flour-testing plant and the methods of operating it, inaugurated at that college, and placed at the service of bakers and millers by the Canadian Government.

Few people realize the wide differences that exist in the quality of the numerous kinds of flour on the market. The average housekeeper may buy a pastry or a bread flour, but does not know the variations in strength of the flour used for the latter purpose, nor of the difficulties the miller has to contend with in producing a grade of flour that is uniform in strength from month to month.

The quality of a flour for bread-making purposes is dependent upon even granulation of the particles of the flour, color, and the quantity and quality of the gluten. The production of flour of even granulation is entirely a milling problem; the color of a flour is influenced by the nature of the wheat used and by the milling process, but it is practically under the control of the miller; while what is known as *strength* in flour is almost entirely dependent upon the inherent qualities of the wheat, or, in other words, on amount and quality of the gluten. It is true good wheat may be spoiled in the milling, but this is seldom or never the case where the miller knows his business. As the gluten content of wheat varies very widely in different varieties and in wheat grown in different localities and in different seasons, it is probable that the wheat delivered at the mill, whether by wagon or by railroad cars, differs very widely in the qualities required for the production of a strong flour. Millers soon become familiar in a general way with the quality of flour that may be made from certain varieties of wheat, or from the wheat grown in different localities, and generally mix or blend the stronger with the weaker wheats



...hears of  
...know the "de-  
the Boston Jour-  
increased demand for  
food laws a bottled-  
market. The manu-  
and quality is guar-  
is the claim true?  
protection of its rev-  
length, but it is an  
Government



ten  
in Chic  
plant at  
instead was  
his physicians.  
he is now at his  
of his constituency

A Mapleton, M  
by name—is amor



and in this way produce a grade of flour of fairly uniform quality throughout the year. But without accurately conducted tests, experienced as the miller may be in judging flour by feel and by doughing tests, he cannot be absolutely sure of the result.

Owing to differences in climatic conditions and possibly to other influences, wheat grown in one season may produce flour of a very different quality from that of another. One year the flour may be characterized by low yield of bread, another by poor expansion in the loaf, slow fermentation, etc., all of which are due to inherent qualities of the wheat and entirely beyond the control of the miller. From all accounts the wheat grown in the western provinces this past season is of a very varied quality, and it is natural to expect that the flour will also be widely different in quality. The mixing of the wheat in the elevators will, to a certain extent, overcome this natural variation, but it is quite probable that the flour on the market this year will not be as uniform in quality as might be desired, unless extra pains are taken to ascertain the strength of the wheat being ground.

Because of these variations in the strength of flour, the problems of the baker are increased. If flour was always of the same nature and strength, the making of bread would be a comparatively simple matter; but, where the flour differs so widely in quality as it is very apt to do, especially at the time of the change from the old to the new wheat, the problem is not a simple one. This is at least partly due to the fact that comparatively little is known about the make-up of the different parts of a flour. We do know that flour contains carbohydrates, fat, ash materials, and gluten, and that we are probably correct in stating that the strength of a flour is in some way dependent upon the quantity and quality of the latter substance, but there are still many points in connection with the gluten and carbohydrate content of a flour that we do not understand. Two fresh, sound flours may be equal in color and in quantity of gluten and yet act altogether differently when baked. Some of the causes of this difference may be explained as a result of a chemical examination, but the fact remains that there are many peculiarities about the way a flour "works" that cannot be fully explained by the scientific knowledge possessed to-day. It may seem strange that a material that is so generally used and in such enormous quantities has not been more fully studied, but frequently the most common things around us are, after all, the least understood.

Recognizing the assistance a thoroughly up-to-date flour testing plant would be to the miller and the baker in the practical part of their work and the need of more scientific investigation into the question of "quality" in flour and the problems of bread-making, the executives of the Canadian Master Bakers' Association and the Dominion Millers' Association waited on the Provincial Minister of Agriculture and asked that such a plant be installed somewhere in the province. The Minister at once granted their request and directed that the necessary appliances be purchased and installed in the Chemical Laboratory of the Ontario Agricultural College. This has been done, and the plant has now been in operation for a few months. The plant is essentially the same as that used by some of the larger milling companies on this continent and consists of a scourer and dust collector, a mill for grinding the wheat, an electric proof and bake ovens, appliances for testing gluten, measuring the volume

of the loaf of bread, and all necessary utensils for the proper carrying out of the work.

The scourer is about two feet wide and two feet high, but, small as it is, it has a two-screen shoe for the separation of foreign matter, a fan twelve inches in diameter, and a scouring cylinder eight inches long, and is connected with a small dust collector. By means of this machine we can clean the grain as thoroughly as it is done in the large mills.

The flour mill consists of two pairs of six-inch rolls, a corrugated pair and a smooth pair. These are connected with feed rolls, and by means of a side lever may be brought together or apart as the operator may desire. On the center of the machine there is an arrangement for sifting or bolting the flour. This may be started or stopped while the machine is running without affecting the rest of the mill. The sifter carries three screens which may be replaced by others of smaller or larger mesh to suit the nature of the wheat being ground or the product desired. They are so arranged that the coarse bran layers are retained on the top sieve and the flour sifted out of the bottom one. There is no purifier attached to the mill, consequently we cannot separate fine light particles of flour or specks of bran as completely as might be desired; but by careful attention to details, we have been able to prepare a good granular flour of excellent color. No attempt is made to separate the flour into the different grades commonly prepared in the larger mills.

The electric proof oven is four feet by four feet by one foot in size, and contains three shelves. It is lined with asbestos and wired in two circuits so that when both switches are thrown in the oven may be warmed up quickly, and when one switch is withdrawn the temperature may, with very little difficulty be held at any desired point.

The electric bake oven is three feet square, inside measurement. The walls are lined on the inside with Russian iron and between this and the outer oak walls there is four inches of asbestos, thus insuring almost complete insulation. The wiring of the oven has been done in such a manner to spread the heat from the electric current evenly throughout the oven and is of sufficient quantity to cause the temperature to be quickly raised to the required point.

To measure the expansion, or size, of the loaf, it is placed in a box of known capacity and all the vacant space filled with small seed. At the bottom of the box there is a slide which may be drawn and let the seed fall down into a box with a long neck arranged in such a way that an accurate measurement of the seed may be made. The difference between the cubic contents of the first box and the amount of seed required to fill the space not occupied by the loaf must of necessity give the volume of the loaf.

In our comparative bread-making tests, nothing but water, salt, sugar and yeast are mixed with the flour. Twelve ounces of flour to be tested is mixed in a bowl with sufficient water containing the other ingredients to form a slack dough. This is placed in the proof oven at a temperature of 80 degrees Fahr. until sufficiently risen to indicate that it is ready for kneading. The kneading is done in the hands, thus overcoming the loss of material that might be incurred by working on the table. After a second kneading, the dough is allowed to stand until ready for the pans. It is then placed in the pans and baked for one hour at a temperature of 360 degrees Fahr. The bread is then



allowed to cool, after which it is weighed, the volume of the loaf determined, and then cut and judged for quality. In these comparative tests, the yeast is used in what might be considered excessive quantities. The object is to cause the dough to rise as high as possible and thus bring out the strength of the flour. The expansion, or the size of the loaf, is afterwards determined and this, together with the texture of the bread, forms the basis for the judgment of the strength of the flour. The pans are made narrow so as to cause the loaf to take a high form in order to afford a better opportunity of judging the power of the dough to expand. The use of electric proof and bake ovens renders it possible to have almost complete control of the temperature and, consequently, to carry out these comparative baking tests under uniform conditions. The flour tests also include a determination of the per cent of wet gluten and the power the flour will absorb.

When this work is done by an experienced person, the slightest difference in the quality of flours may be determined. In every case a standard flour of the same grade or blend as the flour to be tested is baked and the results are reported in per cent of the standard. The following is a sample of the reports sent out:

	Stand- ard Patent.	Sam- ple Tested. No. 1.	Sam- ple Tested. No. 2.	Stand- ard Bakers.	Sam- ple Tested.	Stand- ard Blend.	Sam- ple Tested.
Gluten .....	32.33	32.40	32.0	34.00	35.00	28.76	27.00
Absorption ...	62.00	64.00	62.00	65.00	62.00	55.00	55.00
Yield of Bread...	100.0	100.0	100.4	100.0	98.0	100.0	100.0
Vol. of Loaf...	100.0	92.0	100.0	100.0	98.0	100.0	100.0
Color .....	100.0	100.0	100.0	100.0	99.0	100.0	100.0
Texture .....	100.0	99.5	100.0	100.0	100.0	100.0	100.0
Quality Loaf...	100.0	99.5	100.0	100.0	99.0	100.0	100.0
Avg. Values.	100.0	99.5	100.1	100.0	99.1	100.0	99.1

It was not the wish of the committees that asked for the installation of this flour testing plant, nor the intention of the Minister of Agriculture when he granted their request, that the work should be done free of charge. After consulting several members of the executives of the two associations, we have decided to place the fee at two dollars per sample for grinding the wheat and testing the flour, and one dollar for testing the flour alone. Although only twelve ounces of flour are used in the baking test, we ask for three pounds of flour and five pounds of wheat. This is done in order that there may be sufficient to duplicate the work, if such be deemed advisable.

We are now in a position to aid the miller by determining for him the strength, or the quality, of the wheat he expects to mill. If he intends grinding a mixture of western spring wheat with the softer Ontario winter wheat, we can assist him in finding out what will be the best proportions to mix these grains to give him the desired results. We can also be of service to him in testing his output of flour from time to time to see that it is uniform in quality. In these and many other ways, we can directly aid the miller in his work. Further, there are many problems in connection with the milling business that we can help him to solve. For instance, it is contended by many that hard and soft wheat should not be mixed before grinding, but rather that they should be ground separately and then the flours blended. This is a point which we expect to take up at once. Another point we expect to investigate is the milling quality of the different varieties of wheat grown in Ontario. We have tested the flour ground in our own mill from the different varieties grown on the Experimental Plots

at the Ontario Agricultural College during the season of 1905 and 1906, and some very interesting results have been obtained. The problem of blending the soft Ontario winter wheat with the hard spring wheat of the West, will also be studied.

To the baker we can be of assistance in testing flour that may not be "working" satisfactorily, and make plain whether the fault lies in the flour or in his process of manipulation. We may also be able to furnish him with some information regarding how a particular flour should be handled, or in providing him with definite information upon which to base a complaint to the miller. We also hope to help him solve some of the deeper problems of the bread-making processes by gaining a fuller knowledge of the chemical differences in flour, and their direct effect on the making of bread.

To both the miller and the baker we promise to give all work sent to us careful and prompt attention, and we trust that the use made of this flour testing plant will prove that the executives of the two associations were warranted in asking for the installation of the plant, and that the Minister of Agriculture will not regret having granted their request.

#### WINE CAUSES CONTENTION.

An important hearing was held in New Orleans November 26 before the Louisiana State Board of Health relative to wine. W. H. Reinhart of Sandusky, Ohio, representing the Central States Wine Growing Association, and Fred Jacobi of San Francisco, representing the California Wine Association, took part in an interesting though rather acrimonious debate. Mr. Reinhart did not wish the state of Louisiana to go further than the national requirements. "If Louisiana is to adopt any special wine laws for herself," he said, "it certainly seems to me that the Government statutes adopted in the pure food bill would be found the ideal ones, without branching off in unknown seas, and needlessly injuring the business in a part of the Union that is not so favored as is California. We would be willing to see this state have the same regulations as the Government, but nothing more."

The Government regulations approved by Mr. Reinhart, who probably referred to the standards of the committee of agricultural chemists and which were designated "Government regulations" to add weight to his argument, were not stringent enough to suit Mr. Jacobi. He contended that any foreign matter whatever added to the product made it impure, not in the sense that it might be injurious to health, or inferior in taste, for some things added might even improve the flavor, but that when such a thing was done the purchaser should be acquainted with the fact.

"What I demand is absolutely pure wine," said Mr. Jacobi. "In other words, have placed on the bottle just what percentage of foreign matter has been added to the pure unfermented juice of the undried grape. If it is a fourth, put on the bottle 'three-fourths wine'; if a half, label it 'half wine,' etc. In that way the people will know just what they are buying. It seems that all makers of wine and growers of grapes who really are desirous of not deceiving the public would be willing to agree to such an arrangement, and would not oppose it."

Others present at the conference were: A. E. Morphy, representing A. Schmidt, Jr., & Bros., of Sandusky; T. F. Cunningham, of the California Wine Association; Joseph Bloch, of Lachman & Jacobi, and P. A. Best, of the Sweet Valley Wine Company.



# ONE VIEW OF THE VALUE OF DR. WILEY'S NEW BOOK "FOODS AND THEIR ADULTERATION."

DR. WILEY STUMBLES.

The head of the Bureau of Chemistry of our national Department of Agriculture has been an aggressive conductor of investigations in behalf of pure food. He announced, the other day, that the lengthening of the average term of life was certain if the pure food campaign was vigorously maintained. This prospect did not appear to arouse any sensation, but there was no general objection to his proposal, though the druggists and patent food vendors are protesting that his regulations and specifications are unnecessarily rigid and squeamish. It is possible that there may be some over-restriction, but the public at large is unquestionably interested in the protection of food from any taint or unwholesome impurity and it is likely to indorse any state or federal supervision that will secure this end.

But Dr. Wiley has stepped over the safety line without any just excuse when he put his foot in the clam chowder bowl. At the outset he disables his judgment. He speaks as a chemist and not as a cook. He names ingredients and ignores compounding. Moreover he loses caste as an expert. He treats chowder crudely, not to say rudely. His recipe reads as if it were an offscouring of "clam souse," which he roughly defines. "Clam souse is made of clams, milk, cream, flour and sediments; put in some clams and more potatoes and we have clam chowder." Is there any evidence of taste, skill or acquaintance with first-rate chowder in that jumble? And what is his next suggestion or prescription? To cook this mess or to eat it raw? He wants us "to sterilize it." What's the matter with the ordinary boiling and simmering? What is "sterilizing" to some extent? Does he mean to have this mess canned, hermetically sealed and boiled by the clock before a spoonful is served? That may be a happy thought for Indiana, where we think he got his idea of chowder, but the North Atlantic seacoast will dig its clams and make its chowder in its own good way, which is not a la Wiley.

The etymologist of the Boston Herald in his rebuke of Dr. Wiley traces the descent of chowder to the French "chaudiere," a pot, and attributes its invention to the Breton fishermen and wives. From Brittany the savory dish went over the sea to Newfoundland and down the coast of New England speedily. That was, however, a distant cousin of our fish chowder. "Clam souse" is probably of Low German extraction. We do not recognize it as a Yankee dish. From his description we should presume that Dr. Wiley made his analysis at a free-lunch counter in a lager-beer saloon. But he fails to show that the souse in his eye is worth sterilizing. It is commonly sterile enough in its content of clams. At best it is a poor substitute for chowder, not the base as Dr. Wiley asserts. He doesn't define a really good New England chowder. It is a dollar to a doughnut that he can't make one, even if he is a head chemist. If he had ever tasted one, he would not insult it by careless comparison and specification. There certainly will be a conflict of the state and federal authority if he makes a mess of good chowder officially.

In this work, the author, who is chief of the Bureau of Chemistry, of the United States Department of Agriculture, and who has been humorously described

in the secular press as the "janitor of the people's insides," has brought together a mass of interesting information concerning the many articles of food of mankind, and has illuminated it with sidelights from his own very interesting personality. Although in his introduction he says: "The American public is now so well educated that any average citizen is fully capable of understanding scientific problems if presented to him in a non-technical garb," he appears to deem it necessary to inform his readers that "soups are generally used at the beginning of a meal, usually at dinner time"; that "lard has come to be looked upon as a necessity in every kitchen, even of the humblest citizen"; that "both hens and roosters are used for food purposes, but especially the young roosters are devoted to food purposes, while the young hens are often [yes, very often] kept for the production of eggs"; that "for food purposes the chicken is eaten at various ages"; that "the principal domesticated fowls which are used for human food are chickens, turkeys, ducks and guinea hens," and that "lard is sometimes [!] employed for the purpose of cooking by the process of frying"; furthermore, to this well educated public he takes pains to make clear the difference between veal and beef, lamb and mutton, pig and pork, and to explain that the "eggs which are principally used for food" are those of the domesticated fowl, chiefly "chickens, ducks and geese." When told that "fish are known chiefly by their common names," the irreverent might truly ask by what other name than those could they be chiefly known. We doubt that but for this work it would have been known that "the size of the fish usually depends upon the magnitude of the body of water in which the species grow," and cannot but feel grateful for the citation of at least one exception—"The size of the whitefish in the Great Lakes is not so great as the extent of water would indicate." One may be moved to inquire why whitebait, smelts and flounders, which are indigenous to the Atlantic, are so much smaller than whitefish from Lake Superior, which in its magnitude is so vastly inferior to the ocean. But now we know, at least, why brook trout do not approach in size the sturgeon and horse mackerel and why shiners are unequal to halibut—the magnitude of the bodies of water in which they grow is inadequate.

The author's principal obsessions appear to be the use of artificial colors and misbranding. All colors, however innocent their nature, and notwithstanding the sanction of long usage, should be barred. The coloring of winter butter is "reprehensible"; the coloring of factory cheese is "reprehensible"; all coloring is fraudulent and "reprehensible." Misbranding is even worse. What can be more wicked than calling herring, boxed on the coast of Maine and sold at a few cents per box, "sardines"? What punishment can fit the crime of making a cheese in Ohio and labeling it so as to convey the impression that it was produced in New York? These are far from harmless frauds. Lima beans should come exclusively from Peru and Brussels sprouts from Belgium!

In the kitchen our author is especially refulgent. Clam soup is made of clams, milk, cream, flour, and condiments; put in more clams and some potatoes and we have clam chowder! That sort of chowder may pass in Kent county, Indiana, but not in the habitat of the clam.

Throughout the work appears constantly a plea for federal inspection—"municipal, state and federal in-



spection"—by experts, and especially federal experts, of which the author is the acknowledged chief.

The book is copiously illustrated—11 colored plates and 86 figures, taken mostly from farmers' bulletins and other documents distributed during the past fifteen or more years by the Department of Agriculture. Of the 11 colored plates, 7 are "reproduced by courtesy of Armour & Co., Chicago." Apart from the impropriety of the director of the federal inspection force placing himself under any obligation whatever to a concern whose methods were for a time a stench in the public nostrils and whose canned products as sold in Massachusetts were shown by the State authorities, a year ago, to need that "municipal, state and federal" inspection which the author advocates so warmly, it is to be wondered why these plates were introduced, for although the author says, "By comparing the appearance of the beef bought in all markets with these plates it is possible to form a sound judgment of their suitability for consumption," they teach nothing whatever of the sort and serve no purpose other than padding; and this may be said also of a large proportion of the illustrations in general, including the 7 out of nearly 100 contributed by the author and not borrowed from other works.

Although credit has been freely given for the illustrations, it is otherwise regarding tables and facts, and the author appears to be guilty, too, of more or less "faking," an example of which is giving Storch's figures for a buttermilk standard, although without credit, and filling in the space for acidity, which Storch fills with an interrogation mark, with a figure from a similar table by Vieth. On the whole, in spite of its blemishes, the book will serve to some extent a useful purpose.

#### **MILK CASE ENDS SUDDENLY—SAMPLES WERE NOT TESTED AND COURT INSTRUCTS AN ACQUITTAL.**

Commissioner Abbott signalized his appointment as food commissioner of Texas by commencing a prosecution for selling illegal milk, but unfortunately did not take the precaution to present proper proof. Although for a brief period vested with considerable power, the food commissioner must learn that he cannot act as judge, jury and chief witness. The only person competent to testify as to adulteration of foods is the expert food chemist. The following Fort Worth dispatch to the San Antonio Express tells how Commissioner Abbott learned his first lesson:

"Because samples of the milk of the Fort Worth dairies were not tested as the law requires the prosecution instituted against C. H. Burney by State Pure Food Commissioner Abbott came to a sudden termination to-day by Judge John L. Terrell's instructing a verdict of not guilty, while Commissioner Abbott was on the witness stand giving his testimony.

"The trial of the case was begun Friday afternoon, Commissioner Abbott being the principal and the only witness to be introduced in the case."

#### **THE REASON.**

"Mr. Featherly is the most considerate boarder I have," said Mrs. Hasher. "He never takes the last piece of bread from the plate."

"You bet he doesn't," rejoined one of the other boarders. "He ain't quick enough."

#### **FACTS CONCERNING VINEGAR** **Letter of A. P. Cellahan to Commissioner Washburn**

Mr. R. M. Washburn, Dairy and Food Commissioner, Columbia, Mo.:

Dear Sir—In response to your invitation of the 20th ult., we beg to say that there exist in this country, so far as we can estimate after careful inquiry, the following kinds of vinegar:

1. Distilled vinegar made from grain or molasses, employing 13,000 generators which produce annually 1,200,000 barrels of 47 gallons each.
2. Cider vinegar made from the lowest grade of apples, producing 300,000 barrels annually.
3. Fermented vinegar made from molasses, or glucose, or malt, producing annually 40,000 barrels.

It will be seen from this that the distilled vinegar is far more important to the community than the fermented article, comprising about 75 per cent of the total output. It is more than this. It is indispensable, because it is the only kind which can be used in the preservation of vegetables and meats, and yet this absolutely pure and absolutely necessary article has been the subject of more adverse legislation than any article of food within our knowledge.

The laws of the various states which have adopted vinegar laws are a curious commentary on the manner in which legislation is procured in the interests of a class. The apple growers and cider makers have organized themselves into associations throughout the country, and these associations appear before the legislatures of different states from time to time, with bills, ostensibly for the purpose of protecting the people against fraud, but really for the protection of their own selfish interests. The bills are introduced quietly, are passed through the legislatures without discussion or opposition, upon a one-sided statement of facts, and appear in due time as laws, much to the surprise of the mass of the people affected by them.

There is probably no food product in existence about which there is so much misapprehension in the minds of the people respecting its quality, as vinegar, and this misapprehension is caused wholly by the various laws procured in the manner stated. For instance, the New York law, which has been generally followed by such states as have legislated upon the subject, begins as follows:

"All vinegar which contains any proportion of lead, copper, sulphuric acid, or other ingredients injurious to health, or any artificial coloring matter, or which has not an acidity equivalent to the presence of at least four and one-half per centum by weight of absolute acetic acid, or cider vinegar which has less than such an amount of acidity, or less than two per centum of cider vinegar solids on full evaporation over boiling water, shall be deemed adulterated. The term 'cider vinegar' when used in this article means vinegar made exclusively from pure apple juice."

The prohibition of lead, copper, sulphuric acid, or other ingredients injurious to health, is coupled with that against artificial coloring matter in a way to convey the impression that all these various substances are not only frequently found in vinegar, but are equally injurious when found. It will be, therefore, a matter for some astonishment to the investigator to learn that there is not now, nor has there *ever been* made in this country, "any vinegar which contains any proportion of lead, copper, sulphuric acid, or other ingredients injurious to health."



But if this is so, why does the clause appear in every statute enacted in the country? When the method by which the legislation is procured is recalled, the reason is sufficiently clear.

*The gentlemen interested in apples wish to warn the people through the public statutes that if they do not buy vinegar made from apples they are liable to be poisoned by some proportion of lead, copper, sulphuric acid, etc.*

If they issued circulars to this effect they might be thrown aside, or ignored, or condemned as slanderous, but if the warning were printed in the laws of the state with the authority and indorsement of the whole government, then indeed they would have an advertisement for their goods which would be of some value, and if they could convey the impression that "artificial coloring matter" was equally deadly or injurious with lead, copper, sulphuric acid, etc., it would be still more valuable. And so the prohibitions of the poisons and the coloring were coupled together in the same paragraph, and the people are taught that colored vinegar in some vague way is injurious and must be avoided.

Will it be believed in the face of all the legislation, all the inspection, investigation and prosecution, that there is no article in the whole range of food products so free from adulteration as vinegar? That there is no vinegar sold in this country which is injurious to health, and that there never has been such vinegar, and therefore there never has existed cause for such legislation?

All vinegar is made from alcohol and from nothing else. Alcohol can be made from anything containing starch or sugar, the starch being convertible into sugar and the sugar being convertible into alcohol. The alcohol may be fermented into vinegar in a pure form by distillation, or in its original form, including the solids of the material from which it is made. The sugar of the apple is fermented into alcohol (called "hard cider") and this hard cider can be fermented into vinegar and made into what is called cider vinegar, or the hard cider may be distilled into apple brandy and that fermented into vinegar, in which case it would be called distilled vinegar. If it be distilled it would gain in purity but would lose in flavor. If it be not distilled it would possess flavor, but would lack purity, the flavor being supplied by the "solids" of the material used.

One of the most incongruous, if not absurd, phrases constantly used in both the law and in commerce is "pure cider vinegar," and perhaps quite the most absurd contradiction of terms ever enacted into law is the requirement of a certain proportion of "solids" and of "ash" as a test of the "purity" of the cider vinegar. Solids and purity are opposed to each other and one cannot be the proof of the other's presence, but rather of its absence.

What is true of vinegar made from apples is true of vinegar made from any other substance. The juice of the grape being fermented into alcohol (wine) and not distilled, is made into wine vinegar, and would carry the flavor of the wine from which it was made. If distilled and then made into vinegar it would lose much of the flavor, but would become pure. It needs no argument to prove that the purer the alcohol the purer the vinegar. The statement proves itself.

In all countries vinegar is made from the cheapest raw material possible. In France, the land of the grape, most of the vinegar used is the distilled white

vinegar, made from grain or potatoes, or the refuse of the sugar refineries. What wine or grape vinegar is used comes from spoiled or sour wine, which was too weak in alcohol to avoid fermentation. The same is true of Germany. In England there is a so-called malt vinegar largely used, which is merely a beer or ale fermented into vinegar and not distilled, and which is so impure (i. e., it carries so much "solids") that the law permits the use of a certain percentage of sulphuric acid to keep it from putrefaction—a striking commentary on the intelligence of our law-makers. The highest priced vinegar known to commerce and sold in the country (the English Malt Vinegar) contains by permission of English law an ingredient wholly prohibited by law in this country.

In this country also the raw material used is the cheapest obtainable. The cider vinegar of the last generation has passed into the region of myths. To-day the product of our orchards is classified. The best of the apples are barreled for edible purposes at home and for export. The next grade is used for evaporated fruit, of which large quantities are also exported. The next in quality is used for cider for drinking purposes, and these various grades have their respective values, each lower than the grade above it.

What then goes into the "pure cider vinegar"? The windfalls, or unripe fruit, the worm-eaten, the specked and rotten apples which cannot be utilized for any other purpose. The refuse of the orchard goes either to the hogs or the vinegar vat. It necessarily must be so. An apple grower cannot afford to put sound apples into vinegar when he can sell them for eating purposes for five or ten times as much money. Yet the article so repulsive to all notions of cleanliness and purity is the subject of as much legislation of a protective character as the leading dairy products, the quality of which vitally affects the public health. Its great competitor, and the article against which these protective laws are framed, is the so-called "white wine vinegar" of commerce. This is made from grain—barley-malt, rye and corn—and being distilled, is necessarily pure.

As vinegar is made from the cheapest material everywhere, and as the cheapest material in this country is grain on the one hand, or bad apples on the other, the manufacture is reduced practically to these two. One would think there should not be much competition between them, one an absolutely pure article made from sound grain, and the other the result of the scavenging of the orchard or the produce commission houses of the cities—nor would there be if the competition were left without interference by *class* legislation. In Canada, where these laws are unknown, distilled vinegar sells for twice the price of cider vinegar, and notwithstanding this difference in price, constitutes four-fifths of all the vinegar sold there.

But it is urged that it is not distilled vinegar which is legislated against, but distilled vinegar *colored to imitate cider vinegar*. It is not the coloring matter itself which is objected to, for as that is burnt sugar or caramel it is entirely harmless. It is the fact that any coloring is used. They say if white vinegar is as good as, or better than, cider vinegar, why color the one to imitate the other? The answer is that it is not imitation at all; that there is no desire to palm off one for the other; that if the legislatures think it sufficiently important it is not only proper but highly desirable that each article shall be properly and truth-



fully branded, and that any attempt to deceive the buyer shall be punished by law.

But the public has prejudices and preferences regarding color. It prefers the yellow butter made in summer to the white butter made in winter, so the dairyman colors his butter. It prefers many-hued candy to the uniform dead white of the natural article, so the confectioner colors his wares. It prefers the whisky amber color rather than white, so the rectifier adds his burnt sugar. It prefers a brown pickle to a green one, a bright yellow mustard to a pale one, so the pickler supplies the proper shades. Can it be fairly said that these are produced with fraudulent intent? If the coloring matter is harmless and the article is sold for what it is, is there not a moral right, and should there not be a legal right, to sell it to whomsoever wishes to buy? By all means punish fraud or misrepresentation in branding or selling. A man's pocket as well as his stomach is entitled to the protection of the law. But how can it be urged that a vinegar made from grain, branded as "distilled grain vinegar," or as "colored distilled vinegar," or any other term describing its quality, is an imitation of anything else, or sold with intent to deceive?

The manufacturer of grain vinegar, knowing his product to be superior to the article now sold as pure cider vinegar, naturally wants to differentiate them, and is far from desiring to imitate the inferior one with a superior. He merely claims the right to sell that superior one under its proper name and description of any color his customers desire, provided the coloring matter is harmless.

Wisconsin has such a law and it has worked admirably. Indiana is enforcing a similar system. Texas has recently adopted a like rule and no fault is found there, while on the other hand Pennsylvania, which has enacted a law against coloring, is cursed with the lowest average grade of vinegar of any state in the Union.

A vinegar made from "blackstrap," or the refuse of the sugar refineries, not distilled but fermented into vinegar, and therefore carrying enough solids to give natural coloring, is forced into common use and is probably the worst article of its kind made in the world. But it is legal.

These laws do not prevent fraud, rather they encourage it, for as they erect an artificial, arbitrary and unscientific standard of legality, they offer a premium for the manufacture of an artificial article which will comply, and barely comply, with the false standard. It is all the lack of investigation, lack of technical knowledge of the subject, lack of thorough discussion prior to the enactment of the laws. It is also the result of the enterprise of a few men or associations of men, who might properly be called if organized into one body, *The Society for the Utilization of Bad Apples*. These gentlemen endeavor to create the impression that the legislation they seek is in some vague way in the interests of the agriculturist, though how the average farmer can have a greater interest in his unsound apples than in his sound grain, is rather puzzling. Of course, it is apparent that if the farmer knows that his apples are utilized for vinegar and does not know that his grain is also so utilized, he may be convinced that his interest lies with the apples and not with the grain. If he know, however, that his grain produces the purest form of vinegar known to the world; that it is not an adulteration; that it cannot be harmful nor other than beneficial to the human

system, and that the apples he devotes to vinegar are at least of questionable quality, and therefore likely to make questionable vinegar, he is not so likely to support their schemes, and this fact becomes significant when it is known that in not one single state in the union which has adopted the legislation has it been adopted after opposition, investigation and discussion. Where these have existed the legislation failed.

### FOOD COMMISSIONER SAYS BREAKFAST FOODS ARE NOT "DOPED."

When so many food commissioners of the country with such a large stock of knowledge of politics and so little of food, and so many food analysts with a desire for notoriety, are vying with one another in sensational sayings for the public press, a little wholesome truth is welcome and the following interview with H. E. Barnard, food commissioner and chemist of Indiana, as given in the Indianapolis News, is faithful to facts and rather surprising, coming as it does from a protege of Dr. Wiley:

H. E. Barnard, state food and drug commissioner, has been hearing much about the "bale of hay" joke and the "sawdust" tale, together with more serious intimations of the use of "dope" in breakfast foods, and he believes it is time to say something for the consolation of breakfast food humanity.

"The lover of breakfast foods may let his appetite run riot without fear of harm," said Mr. Barnard. "There is no truth in the frequently repeated statement that certain brands contain arsenic or morphine. Arsenic would be of no value as a food and morphine is too expensive to be used by even the most unscrupulous manufacturer in his desire to breed a breakfast food habit in his customers.

"All such reports (and many have sprung up to vex chemists and injure the trade) have been due to false rumors started by rival manufacturers, or owe their origin to joking statements that have been misinterpreted by a credulous public. Neither is there any ground for the 'bale of hay' joke or the 'sawdust' tale, or any other of the numerous hoaxes so often served us in comic columns as humor. The breakfast cereals are sound, honest foods, worth their price in food value, and even more, in the variety they bring to the table."

### NOT WONDERS, BUT WHOLESOME.

Mr. Barnard says that the unusual claims made for some of the cereal foods are absurd. "There is no mysterious alchemy known to millers," he said, "by which unusual food value can be imparted to their products. A dish of breakfast food does not and can never be made sufficiently nutritious to take the place of meats, as some imaginative manufacturers would have us believe of their particular products. A pound package of breakfast food has the same value as a loaf of bread, and a dish of oatmeal nourishes us but little more than a slice of bread and butter. Breakfast foods are valuable because of their great palatability, easy preparation, and their relatively small cost. The standard preparations of rolled oats and wheat when obtained in bulk are, next to white flour, among our most economical foods. The malted and otherwise 'predigested' foods cost more, but the increased price is justified by the fact that the housewife is at little or no expense in cooking or otherwise preparing them."



# FRAUD IN THE SALE OF OLEOMARGARINE, PROCESS AND RENOVATED AND SUBSTITUTES FOR "PURE BUTTER."

**OFFICE OF THE ILLINOIS STATE FOOD COMMISSION, 1623 MANHATTAN BLDG., CHICAGO, ILL. BULLETIN NO. 7.**

This bulletin is issued for the purpose of calling the attention of the public generally, and housewives in particular, to the methods employed by the jobbers and dealers in the fraudulent sale of oleomargarine, process, renovated and substitutes for butter as "pure butter" in the state of Illinois and particularly in the city of Chicago and its suburbs, and to the laws governing same.

We call attention of the public to the fact that for the past twenty-eight years this fraudulent traffic, in selling oleomargarine, process, renovated and substitutes as "pure butter," has been going on, notwithstanding the fact that the state and national governments have each been trying to suppress it.

The state legislature in 1879 passed a rigid law, and one that was supposed would suppress this great fraud, but in the light of subsequent events the law was almost wholly inoperative. Eighteen years later the fraudulent sale of oleomargarine and substitutes for "pure butter" had grown to such enormous proportions, and these fraudulent jobbers and dealers in the trade had become so bold, that in order to further curb and restrain them, and put an end to their nefarious practices, the law of 1897 was passed which was re-enforced by the Process Butter Law of 1901. When this law of 1897 was enacted and which is still upon the statute books of our state and in full force and effect, it was thought that it would suppress the fraudulent traffic in oleomargarine and substitutes for "pure butter."

These laws, as to the sale of "oleomargarine" and substitutes for butter aim at the very heart of the evil, as it prohibits the sale of oleomargarine colored or made to resemble yellow butter; as in the past it had been found that the root of the evil was the permitting the manufacturers to make oleomargarine colored in semblance of yellow butter.

The legislature recognized this fact, that its being colored yellow was the greatest factor in making it a product especially well calculated to be used fraudulently and thus deceive the public, and consequently, on account of it resembling "pure butter" to be palmed off on the public as "pure butter," and hoped by the passage of this law to prevent the fraudulent practice, for it is well known that it would be almost impossible to make the public believe that the white or uncolored oleomargarine is "genuine butter."

Therefore under the laws of Illinois colored or yellow oleomargarine cannot legally be sold, and every sale thus made is fraudulent illegal and in violation of the plain provisions of our state food laws.

This law of 1897 further provides that every person who manufactures any substitute for butter, shall mark by branding, stamping or stenciling upon the top or side of each box, tub or firkin, or other package in which such article shall be kept, in clear and durable manner in the English language the word "oleomargarine," or the word "butterine," or the words "sub-

stitutes for butter" in printed letters in plain Roman type, each of which shall be not less than three-quarters of an inch in length.

And it further provides that it shall be unlawful to sell any imitation butter without informing the purchaser thereof, or the person or persons to whom the same was offered for sale, that the substance sold or offered for sale is imitation butter.

It will be seen from a reading of the statute of 1897 that no person shall ship or consign or forward by any common carrier, whether public or private, any substance designed to be used as a substitute for butter, unless it shall be marked as above set forth, nor shall any person have in his possession or under his control any substance to be used as a substitute for butter, unless the container shall be marked in compliance with the law as above set forth.

The law further provides that whoever defaces, erases, or removes any mark or brand with intent to deceive shall be guilty of a misdemeanor.

The law further provides that whoever shall violate any of the provisions of the act shall be punished by a fine of not less than \$50 nor more than \$200, or by imprisonment in the county jail not to exceed sixty days, or by both fine and imprisonment, in the discretion of the court.

By the express terms of this law it is made the duty of the state's attorneys in the respective counties of the state to prosecute all violations of the act.

It is also made the duty of the State Food Department to prosecute all violations under it.

The work of enforcing this act has been carried on vigorously, but for years the lower courts held the law unconstitutional, as it was pronounced by them, as a species of special legislation, consequently no convictions could be obtained, but since the passage of the new national food law by Congress in 1906 and of the new state food law by our present General Assembly, and the definitions of food and food adulteration under these laws our lower courts have receded from this view of the law in these cases, and now hold that the law is constitutional, and under the police powers of the state can be enforced as these laws are in the interests of the public purse and health.

While there have been many prosecutions under these laws the work has also been educational. The Food Department has endeavored to show how grossly the frauds are that are perpetrated under these laws, and how the people have been defrauded out of millions of dollars by these fraudulent packers and dealers, as well as having imposed upon them a cheaper adulterated article of food for a pure, legal and wholesome one.

This bulletin is intended to check the fraudulent peddlers and dealers by calling the attention of the public to them, and to the fact that on every pound purchased, these fraudulent peddlers and dealers not only palm off a spurious article for a wholesome one, but at the same time they rob them of about 10c a pound on every pound so purchased of them.

The unsuspecting housewife places an order with one of these fraudulent canvassers or peddlers for butter to be delivered in the future, and when the



delivery is made it is found that instead of butter it is colored "oleomargarine," "process" or "renovated" butter, and when the good housewife investigates the matter she finds she has bought colored oleomargarine, process or renovated butter when she expected to purchase "pure butter," and paid the price for "pure butter" and that she has been defrauded out of about 10c a pound by reason of same.

A casual examination of the wrapper in which the substance is delivered will disclose no marks by which it might be identified but by an exceedingly careful examination it will be found that a fair percentage of the wrappers are marked "oleomargarine" in letters about three-eighths of an inch in height instead of three-fourths as required by law and in the dimmest possible manner. The ink used is generally about the same color as the wrapping paper and usually the paper is purposely wet where stamped, so that the stamp can be seen only when the paper has dried and then but dimly, the whole purpose being that the purchaser shall not discover the mark at all.

The wagon employed in the delivering of the "oleomargarine," "process" or "renovated" butter in question is seldom ever marked with the name of any dealer or any address showing his place of business; and on inquiring of the man where his place of business is located, his usual false answer is some telephone number but not an address.

After careful inquiry we find that genuine butter is very seldom sold by the peddler in the house to house canvass method, it being well known that this method is a very expensive one, and with the wholesale price of butter at say 30c a pound, canvassers selling "genuine butter" would be asking 33c to 35c per pound, and consequently, "genuine butter" is seldom, if ever, sold by the house to house peddler, and we warn the public against these house to house peddlers—so that they may be on their guard, and not be deceived by having "oleomargarine," or some cheap "process" or "renovated" butter palmed off on them for "pure butter."

This department recognizes full well that "oleomargarine," "process" or "renovated" butter are legal articles of food when sold lawfully and have no quarrel with any dealer in these substitutes for butter who observes the law and prepares and sells the article for what it is, but does propose to enforce existing laws against selling them (oleomargarine, process or renovated butter) for "pure butter."

In addition to the fraud perpetrated on the public by the packers and dealers in the sale of "oleomargarine," "process" and "renovated" butter for "pure creamery butter," whereby they are sold for the price far above the regular market value of oleomargarine, process or renovated butter, is the deception in the sale of process or renovated butter, whereby many persons, who would not buy process butter under any circumstances, if they knew it, are deceived in purchasing it.

While renovated or process butter is usually produced by melting butter that has become rancid and then rechurning the butter fat therefrom, and thereby producing an article of food that is regarded wholesome and palatable, it is not generally known that large quantities of old rancid butter, that has accumulated around produce houses, and other places where such articles are kept, and sold, and has been permitted to become unclean, and in the same manner melted and some "pure milk" or "cream" added and the fat

therefrom rechurned and aerated by the chemical agency of air, thereby removing all noticeable impurities, and especially the rancid odor, and thus placed upon the market and sold in competition with "pure butter," hence, in order that the public may not be deceived, this department shall require that it be truly and legally labeled "process or renovated butter."

In order to determine the question as to whether the article is oleomargarine, process, or renovated, or "pure butter," it is not generally necessary to have a chemical analysis of the article; a simple household test which has been recognized for years will pretty conclusively determine as to which it is. By this test it will be found that oleomargarine, process or renovated butter sputters like grease when heated in spoon or frying pan, and does not foam as butter does when heated in the same way.

This bulletin, as stated, is to notify the trade that from this time on the law of 1897, known as the "Pure Butter Law," and the law relative to renovated butter, as set forth in our new state food law of 1907—in Sections 26 and 27 of the new state food law—will be strictly and rigidly enforced, and that all violators of these laws must take due notice and govern themselves accordingly.

Issued at the office of the Illinois State Food Commission, 1623 Manhattan Building, Chicago, Ill., this 22d day of November, 1907.

ALFRED H. JONES,

Commissioner.

#### **A FOOD OFFICIAL UNJUSTLY CRITICISED.**

A few trade periodicals are courageous enough to commend an official for enforcing laws which are contrary to the interests of their clients. The National Druggist which has so strenuously opposed one-man rule is fair and just enough to demand the inflexible enforcement of law whether it be for them or against them as witness the following editorial from their December number:

The Ohio Food Commissioner is being criticised for a recent ruling which declares that preparations sold under U. S. P. or N. F. names must comply strictly with the requirements laid down by those authorities, even though they should be labeled to show a deviation therefrom. But is this criticism just? The National Druggist believes that every single act of these food officials should be scrutinized with the most jealous care. The laws under which they act allow them a very dangerous discretion, and they seem disposed to stretch their power, often to the point of usurpation. In this case, however, if our understanding of the Ohio law is correct, the commissioner has made no mistake and has done no wrong. He could not legally have done other than he has done.

We can find nothing in the law of that state which provides for any variation from the U. S. P. and N. F. standards, even though the variation be stated on the label. We think the law ought to so provide, just as the national law does. But it remains that it does not, and hence if the commissioner should permit it, he would be going beyond his authority. It is the duty of an executive official to enforce the law as he finds it. With its wisdom or justice he has no legal concern. And it matters not how high his motives, they cannot justify an unwarranted assumption of power.

Druggists who are asking the Ohio commissioner to



"wrest the law to his authority" in the present case, must remember that it might "be recorded as a precedent and many an error by the same example would creep into the state." Usurpation of power in this case would cause no injustice. But once admit that the commissioner can stretch the law in favor of the druggists, and it may happen that at some future time, some interest, stronger than any that pharmacists can master, will bring such influence to bear as to have the law construed in their favor, and, it might happen that the latter change would affect the drug trade most injuriously. The officers of the law must execute the law as it is written. They have no discretion in the matter. And they should not have any such discretion.

### "WILEY LIE" STILL ALIVE

The effect of the national pure food law in driving out impure and manufactured honey and increasing the demand for the simon-pure article was the subject on which was hung a lively discussion at yesterday (Dec. 5) evening's session of the annual convention of the Beekeepers' Association in progress at the Briggs House.

The discussion was started with the question: "Has the national pure food law increased the demand for extracted honey?" It was propounded by Dr. G. Bohrer of Lyons, Kan., an authority on bees and bee products. R. L. Taylor, member of the executive board of the beekeepers' national organization, of Lapeer, Mich., asserted that the law had made little difference in the demand. Franklin Wilcox of Mauston, Wis., disagreed.

"I think it has made a difference," said Mr. Wilcox. "It has enabled the consumer to have some idea that what he is buying is what he is getting, and this confidence in the product is increasing orders and gaining us trade which we never could get before."

APPLIES ONLY BETWEEN STATES.

"It hasn't any effect in selling our honey," returned Mr. Taylor. "The pure food law applies to interstate commerce and out to the local trade. Here in Chicago, for instance, the dealers are not forced to sell pure honey as long as they don't export it, and they don't."

"But the pure food law has put out of business a number of honey dealers in Chicago who sold adulterated products," declared a western beekeeper. "The people are patronizing the dealers and grocers who are selling pure honey and are complying with the law as to labels."

"Where I live adulterated honey was sold for years with no sign as to what the jars or cans contained," said Dr. C. C. Miller of Marengo, Ill. "Now you can't find a can or jar whose label doesn't show pretty clearly just what is in it. The pure food law is a good thing, but the 'Wiley lie,' which declared that much of the comb honey in the market was manufactured by men and not bees, hurt us more than anything ever done before."

QUESTION FINALLY SETTLED.

Dr. Bohrer offered a resolution which enabled all present to "get on the right side," and it was resolved unanimously that the pure food law has increased the demand and sale for pure honey.

In the afternoon session George York, Miss Emma Wilson of Marengo, Ill., and H. F. Moore of Chicago were elected to the offices of the association for the ensuing year.—Chicago Tribune.

### LIGHT WEIGHTS.

Commissioner Johnson of Nebraska has been making a spectacular campaign in the enforcement of the new law requiring the net weight to be placed on the package. The Rochester, N. Y., Herald comments on some of his work in an interesting although not optimistic manner:

"The Food Commission in Nebraska is another excuse which we may expect to see advanced pretty soon, why the cost of living should be increased. There is a campaign on in the West against a system of graft which has long prevailed all over the country—the practice of selling by gross weight, which is in effect light weight.

Commissioner Johnson of Nebraska recently paid a visit to the South Omaha packing houses and there weighed up a large number of pieces of meats. These included bacon, hams, shoulder, etc. He found that it was the recognized and regular practice to wrap them with cloth and paper until fully 6 per cent of the weight is of paper. This, the commissioner says, is absolutely contrary to both letter and spirit of the Nebraska law and he has ordered that all packages of meats must hereafter contain the actual net weight stamped on them.

The man who buys a healthy looking sliver of "cured" bacon is somewhat dismayed when he comes to get down to the bare meat. He finds it pitifully small, and the pile of greasy paper for which he has paid 22 cents a pound costs the packer in the neighborhood of a cent and a half a pound, and selling it at 12 or 15 cents is rather a good stroke of business, if not strictly honest. However, we do not know that the case of the consumer will be improved by Commissioner Johnson's order—the net price for net weight will give just as much profit on the paper in the future as in the past. Once these grafters have acquired the habit, it is hopeless to think of breaking them of it."

### POISONED CANDY PLENTIFUL.

A dispatch to the Philadelphia Public Ledger from Altoona under date of November 16, shows the activity of the Pennsylvania dairy and food commissioner:

"Enormous quantities of poisoned candy are being consumed by Altoona. This was learned to-day when the report of an analysis of fifty samples of the sweetmeats was received by Pure Food Agent H. L. Bansehoff, who purchased them a short time ago.

"Most of the samples contained sulphurous acid and coal tar dye. The samples were of the cheaper grades of candy, which finds ready sale. Several months ago several wagonloads of poisoned candy were hauled to the city dump and destroyed.

"Vinegar samples analyzed at the time never saw an apple, says the chemist. Prosecutions will follow."

LOGICAL USE.

Mistress (an invalid)—"Jane, I thought I told you to make some chicken broth."

New Cook—"Shure, an' Oi did, ma'am."

Mistress—"Well, where is it?"

New Cook—"Oi fed it to th' chickens, ma'am."



# THE AMERICAN FOOD JOURNAL



Published Monthly at 334 Dearborn Street, Chicago

By H. B. MEYERS & CO.

Telephone Harrison 2473

Subscription, \$1.00 Per Year Foreign Subscription, \$1.50

Address all communications and remittances and make drafts, checks and money orders payable to THE AMERICAN FOOD JOURNAL, 334 Dearborn Street, Chicago

All reading and advertising matter to appear in THE AMERICAN FOOD JOURNAL must be received at this office on or before the 12th of the month.

COPYRIGHT, 1907, BY H. B. MEYERS.

## COMMISSIONER WASHBURN AND DISTILLED VINEGAR.

Following the lead of Illinois and South Dakota, Commissioner R. M. Washburn of Missouri has made a ruling prohibiting the sale of colored distilled vinegar in his state. On account of this ruling, which he evidently anticipated would give the department some trouble, he spent a portion of a day recently in consultation with Gov. Folk. The St. Louis Globe-Democrat relates the result of an interview with the commissioner as follows:

"It is Mr. Washburn's opinion that scarcely 20 per cent of the vinegar sold for consumption in this state is made from apples, but that almost if not quite 80 per cent of it is manufactured from distilled products and the products of distilleries. He declares that wood alcohol and denatured alcohol, diluted, are largely used in producing vinegar. He does not give it as his opinion that this product is poisonous, but he does contend that when it is colored with brown sugar a law of the state is violated, even though the coloring be not injurious.

"Manufacturers, Mr. Washburn says, label this sort of vinegar 'distilled vinegar,' and also indicate on the label that it has been colored with brown sugar. To those who purchase in bulk, he says, this is all right, but the smaller purchases, made for family consumption, affords an opportunity for the imposition, because these buyers seldom see the barrel from which their purchase is drawn. This 'distilled vinegar,' Commissioner Washburn says, brings an enormous profit, because it can be made cheaply and quickly, while cider vinegar goes through a slower process and is not an active competitor for that reason. Both the wholesalers and the fruit growers, Commissioner Washburn says, favor his construction of the law, and more particularly the latter, who are at a disadvantage in competing with the 'colored' or 'distilled' vinegar."

If Mr. Washburn is correctly quoted he gives some startling information which it may be well for the United States internal revenue officials to take cognizance of. When the denatured alcohol bill was first passed in order to prevent the use of alcohol in illegitimate ways, all sorts of restrictions were placed on its manufacture and sale. As the administration of the act gave general dissatisfaction an amendment was added to the law and much of the red tape removed

which so hampered the general use of denatured alcohol. However, the internal revenue officers are still supposed to have sufficient control over its manufacture and sale to see that none is used for food or medicinal purposes. If vinegar manufacturers are using this product they stand liable to heavy penalties. The use of denatured alcohol for this purpose is especially heinous because from the very terms of law it must be so poisoned as to be unfit for food purposes. Moreover, the offenders cannot even plead economy, but must pursue their nefarious practice out of wanton wickedness, as alcohol of 20% strength used in the manufacture of vinegar may be distilled *tax free* and has enjoyed freedom from tax for 20 years or more.

According to Mr. Washburn it seems that wood alcohol also is used in Missouri in producing vinegar. We are willing to be shown, but fail to see at this writing, how any vinegar could be made from wood (methyl) alcohol. Certainly not by fermentation, and the only acid easily produced by chemical processes is Formic acid, the accredited poisonous principle of the stings of bees and other insects, and which certainly is so poisonous that it raises a blister wherever it touches the skin. As a substitute for acetic acid it would not generally meet with a welcome reception.

While we are willing to accept and believe almost everything that Commissioner Washburn may say, we do decidedly take exception to the statement or inference that distilled vinegar made with "denatured alcohol" and "wood alcohol" is not poisonous. We have no hesitancy in saying that wood alcohol in large or small quantity is a poison and one of the worst. It is cumulative, acts on the optic nerve and the brain and produces blindness where it does not cause immediate death. To what extent this poisonous property is due to the actual methylic alcohol and what to the impurities which almost invariably accompany it is immaterial. Methyl alcohol is prohibited as a constituent of liquors in almost every state in the Union and several states—for example, Ohio—have gone so far as to prohibit its use in medicinal preparations intended only for external application—and justly so.

Wood alcohol in combination with pyridine bases or enzyme is the only authorized denaturant of alcohol for general purposes, and what is said of wood alcohol applies also to denatured alcohol. Both are recognized virulent poisons and Commissioner Washburn will not need to look far to find confirmation of this fact.

But the last paragraph of the interview sheds more light on the proposition. Wholesalers, he says, favor "his construction of the law" because they make more profits on high-priced articles. Fruit growers more particularly favor his construction of the law, who must otherwise compete with the cheaper colored or distilled vinegar.

But can any commissioner legally excommunicate foods on such grounds? Does the State or any official in the state have the right to say, "Your goods come in competition with Orchard's goods—they must not be sold"?

This, of course, is a poor argument to present to the public, who in general desire to buy where they can buy the best goods for the least money. It is an argument that needs to be supported by the stories of the use of denatured and wood alcohol in distilled vinegar. We do not for one moment believe but that Commissioner Washburn, who has been but a short time in the service of the state in his present capacity, had



what he considered credible authority for his statements. At most his statements are no worse than those of men still higher in authority and who are supposed from the pretensions as well as their position to be posted on matters pertaining to food.

It is probable that in making his ruling, outlawing colored distilled vinegar, Commissioner Washburn followed the lately established precedent of the food commissioners of Illinois and South Dakota, and when called before the governor of his state for explanation in lieu of accepted facts to support an untenable position, uses the statements quoted without thorough investigation as to their trustworthiness. It is indeed true, as Commissioner Washburn stated, that colored distilled vinegar may be sold for cider vinegar by persons having no regard for the truth. In like manner cottonseed oil may be sold for olive oil, oleomargarine for butter, etc., and if such impositions were not possible to be practiced, and if everybody was inherently honest and truthful, there would be no earthly need for a state food commissioner in Missouri or any other state. However, in that case there would be consolation in the thought of a possible position at a fat salary in the celestial regions.

### THE FIRST WORLD'S PURE FOOD EXPOSITION

The "First World's Pure Food Exposition" has come and gone. It has made a record for attendance and for attractiveness of displays that will be hard to equal. No other than the immense Coliseum, the chosen hall for the next Republican National Convention, would have been large enough to hold the numerous exhibits and the crowds which filled the aisles and booths, particularly during the evening hours.

The beauty of the booths as well as the artistic effect of the general design and decorations excited the wonder and admiration of all who entered the vast building. While the commercial interests were the most numerous and carloads of samples of food-stuffs, etc., were distributed daily, the educational exhibits were more varied than in any show of similar character handled in Chicago. The various women's clubs with elaborate headquarters, the lectures and addresses by the leading food authorities of the country; the exhibit of the Milk Commission of the Children's Aid Society; the model farm of Mr. Arthur Meaker, and the exhibit of American Laboratories, a picture of which may be found on the front cover of this magazine—all were distinctive features, intended to interest the people in the purity of food. The booths of the Milk Commission and American Laboratories were as well patronized as any other exhibits of the show. The American Dolly, whose regalia was colored with dyes used in food and who has traveled extensively in Illinois and Minnesota, was on hand to beautify the booths by her presence. Since last seen in Chicago she had a new cape made by the Minnesota Dairy and Food Commission, and colored with dyes used in candies. The awards have not yet been announced. The first prize for display was awarded to Schwarzschild & Sulzberger.

Had the show been held in prosperous times undoubtedly the Coliseum Annex and First Armory would have been needed to house the exhibits and the balcony as well as the main floor would have been taxed to utmost capacity afternoons as well as evenings.

The First National Pure Food Exposition was, of

course, not without its lessons—lessons derived from disappointments as well as from successes—but these should make the Second World's Pure Food Exposition, should the present management decide to continue the show, a still greater and more entertaining and instructive one.

### DECADENCE OF TRUTHFULNESS.

Clara Bloodgood, the noted actress, starring in a play entitled "Truth," committed suicide in Philadelphia, impelled, so the papers say, by lack of appreciation of her show. In her own opinion, lately expressed, "Truth" was superior in dramatic incidences and possibilities to any production in which she had appeared in late years.

However, "Truth" is an ominous title for a play which expects to draw patronage from the public. The actress appearing in the title role should fortify herself against disappointment. Perhaps some day Truth will be esteemed as in Ben Franklin's day. Now its negotiable value is a small asset in business. Time was when a devotee of science would spend days and months and years to enable him to announce strictly accurate results. To-day truth is subordinated to the sensational statement. Can we imagine Newton or Dalton or Davy or Faraday inventing garnishments to embellish what would otherwise be a very dull statement? Would Hypatia, Lavoisier and others who died in defense of the truth, or their conception of it, fit their statement of facts to conform to the prejudices and passions of the public?

Honesty, which is but truth in action, is also on the decadence. Dishonesty or kinetic falsehood is punishable by penal code. Day by day are new laws broadened to include this class of offenses—such, for example, as laws to punish fraud in the sale of adulterated food-stuffs. But against falsehood, unbacked by a money consideration, there is no law, there is no limitation. For truth there is no reward. The successful playwright and actor pins his faith in "Mrs. Warren's Profession," "Follies of 1907," and similar plays—and the public applauds.

### RUM REVIVED.

Except in temperance meetings one seldom hears of "rum" nowadays. The saloons hardly know the "demon" when they see him. However, the Boston Journal says that as a result of the increased demand for pure liquors created by the pure food laws a bottled-in-bond rum is being put on the market. The manufacturers claim the age, strength and quality is guaranteed by the Government. But is the claim true? The Government indeed, for the protection of its revenue, gauges age and alcoholic strength, but it is an imposition on the public as well as the Government to say that it guarantees quality in rum or any other beverage. It is remarkable how the old-timer rum takes to the new whisky tricks.

### FOOD STANDARDS GET COOL RECEPTION

A select party of the partisans of patronage met in Washington recently to urge upon the President the advisability of overriding Congress and the laws of the country in proclaiming the standards for food erstwhile prepared for the Secretary of Agriculture. Among those present were representatives from Kentucky, North Dakota and Michigan. It is said the President would not lend himself to the scheme, but turned it down cold.



## FOOD NOTES

The Crown Princess Cecilia of Germany recently sent her chef to the United States to study American cookery. He began his observations at the Hotel St. Regis, New York City. While in this country, Albert Newmann, for such is the name of the chef-explorer, will devote his particular attention to pies and cakes. While he may possibly obtain some valuable information in the large hotels, if he really wants to penetrate the secrets of the preparation of the American Pie in its perfection, he should go to the rural districts and take lessons of some New England grandmother.

\* \* \*

Oysters appropriately now come to Kansas in cans. The food officials raised a rumpus about the excess of liquid bathing the bivalve. They insisted that it was nothing but water and not too good water at that. They demanded all oyster and no soup. To meet the specifications the oyster is now packed in tin containers, which are sealed at the point of shipment, and these tin containers are shipped inside wooden cases, which hold an ice packing around the tin cans. When the case arrives at its designation in Kansas the tin can is taken out, but still kept with an ice packing, and at no time does the ice get inside the can, to thin down the oyster liquor. And thus is registered another victory for the state pure food laws.

\* \* \*

J. H. Brewster, formerly of Pittsburg, has begun work as chief water analyst of the food, drug and water laboratories of the State Board of Health of Indiana. Mr. Brewster was until recently with the American Water-works and Guaranty Company of Pittsburg and he is a graduate of the Rensselaer Polytechnic School of New York. He has always made a specialty of work with water.

\* \* \*

Ohio State Food Commissioner R. W. Dunlap intended to attend the corn and dairy exposition held in Chicago and afterwards inspect the corn products plant at Davenport and the distilleries at Peoria, but instead was obliged to place himself in the hands of his physicians. The indisposition was not serious and he is now at his desk as usual, looking after the food of his constituency.

\* \* \*

A Mapleton, Minn., business man—V. J. Grenler by name—is among the first to feel the effects of the

food laws applied to the sale of rotten eggs. A warrant for his arrest has been sworn out by a deputy of the State Dairy and Food Commission for selling 11 dozen decomposed eggs contained in two cases of 18 dozen each.

\* \* \*

In Baltimore, Md., recently food inspectors condemned 1,650 pounds of walnut kernels found moldy in commission houses. The inspectors poured coal oil on the stuff to prevent it being sold to taffy makers.

\* \* \*

Mr. and Mrs. Burr and their two daughters, besides three boarders, all of Grand Rapids, Wis., were taken violently ill shortly after a meal. A doctor was immediately summoned and he diagnosed the cases as ptomaine poisoning. All are out of danger now with the exception of Mr. Burr.

\* \* \*

We acknowledge a pleasant visit from Dr. A. W. Belting, who as a representative of the United States Agricultural Department has been making experiments in a prominent packing factory on the preservation of catsup without chemical preservatives. Some preliminary reports on these experiments have already been issued and are perhaps familiar to our readers. We understand that the complete report will be made first to the Department of Agriculture. From such statements as have been issued we learn that although no difficulty was encountered in preserving catsup in airtight bottles the catsup, like all other varieties not chemically preserved would keep but a short time after opening the bottle.

### CHERRIES IN BRINE EXPORTED FROM ITALY

United States Vice Consul Byington, of Naples, reports that during the last few years a new product, cherries in brine, has begun to figure prominently among the exports from that part of Italy. These cherries are treated with sulphur smoke and then packed in casks in a very strong brine. Prepared in this way no duty is paid to the United States customs and competition can be successfully maintained with American fruit. The cherries exported are divided into two grades, those selected to be used for cocktails and brandied cherries and the ordinary for confectionery, preserves, fruit syrups, etc. In 1904, Naples exported this product to the value of \$13,918 only, but in 1906 this increased to \$72,921, and the current year shows the enormous gain of over 100 per cent in the sum of \$153,623.





# NATIONAL FOOD LAW RULES AND REGULATIONS

Opinion by Attorney Thomas E. Lannen on the Nature of the Power Conferred by Congress to Make Rules and Regulations, and Its Application.

Chicago, December 12, 1907.

In response to your request for my opinion as to the power conferred by the National Food Law upon the Secretary of Agriculture, the Secretary of Commerce and Labor and the Secretary of the Treasury, will say that this is such a broad subject that, in giving my opinion, I will confine my reasoning only to the more important points, in the hope, however, that the reasoning applied to these points may be understood and applied to other points.

I believe the source of this authority is to be found only in Section 3 of the law, and that part of the section conferring power is as follows:

"That the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce and Labor shall make uniform rules and regulations for carrying out the provisions of this act."

From the very start I cannot but give these words the meaning that they clearly and plainly express, which, in my opinion, is that the rules and regulations to be made are for the sole purpose of "carrying out the provisions of this act," and that they are not intended in any way to place an interpretation on the act, or to change the meaning of the act, or to broaden or modify its meaning. In other words, it was clearly intended that these officials should let the act alone, and not try to change it or meddle with it in any way, but that they should go ahead and enforce it.

If my understanding of this power is correct, then the rules and regulations referred to should not in any way be of interest to or concern anybody except the officials enforcing the law. The food manufacturers of the country should not in any way be interested in these rules and regulations because the food manufacturers are not charged with the enforcement of the law and are not interested in how its provisions shall be carried out, because in so far as prosecutions are concerned, the food manufacturers well know that they must be prosecuted and convicted, for any offense committed, in the courts of the land in regular legal proceedings and with all the formalities of a trial before a judge and the right of being judged by a jury of their peers, all of which is guaranteed to them by the Constitution.

Nor, indeed, is there the slightest thing in the law to indicate that their right of being tried according to the law of the land was intended to be taken away from them.

Nor should the food manufacturers be interested in these rules and regulations on account of those rules and regulations placing a meaning upon the law, because the food manufacturers have a right to understand that the law means nothing more or less than is plainly expressed by its wording, and as it was worded at the moment it became a law. Consequently, they can consult their legal advisers as to what the law means and they have a right to assume, and believe if they wish to, that their legal advisers are as well able to interpret the meaning of the law as any officials of the Government.

Therefore I am of the opinion that the rules and regulations intended to be made should be of interest to no one except the officials and inspectors or others

seeking to carry the law into effect, and to those officials or others to merely serve as a guide or a pointed out method or system by which they should conduct their work.

In my opinion there is no occasion whatever to publish or circulate the rules or regulations intended to be made, as a set of these rules or regulations posted up in the office of each official enforcing the law as a guide for him, or printed in pamphlet form of a size convenient for inspectors or others working for the Government to carry around in their pockets, would amply serve every purpose such rules and regulations were legally intended to serve.

There is, perhaps, one exception to the foregoing, and that is as to the hearings provided for parties accused of violating the law. These hearings are to be conducted under rules and regulations to be made by the three Secretaries, and, of course, the food manufacturers would be interested in knowing how these hearings are to be conducted. But even in this case the rules and regulations are intended only to prescribe the method of conducting the hearings, the time of hearings, etc., just as the rest of the regulations are intended to prescribe the method or system by which the law shall be carried into effect.

I am of the opinion that the only province of the Secretary of Agriculture in carrying out the provisions of the act is:

First—To investigate suspected violations of the law, and then if his investigations show that the law has been violated, in his opinion, give the party a hearing, and if the party cannot convince him that the law has not been violated, the Secretary of Agriculture must then submit the results of his investigation and all of the evidence he has obtained to the prosecuting attorney; and,

Second—From that time on, merely supply the prosecuting attorney with the necessary information to secure a conviction. There is, of course, some discretion lodged in the Secretary of Agriculture to prosecute or drop certain cases that may appeal to his sense of justice as not being fit cases to prosecute, just as similar cases are investigated and dropped by grand juries or prosecuting attorneys.

Now, you have asked me to consider further the nature of the rules and regulations that have been made and their effect, and to state whether or not they are in accord with the law, and on this point I must say:

I cannot harmonize all of the rules and regulations that have been made with the opinion I have just given, the principal objections seeming to be:

First—A Board of Food and Drug Inspection has been appointed, which board has assumed to interpret the meaning of the law when applied to food products. In my opinion no power is given by the act for the creation of such a board for such a purpose.

Second—Decisions are being made from time to time interpreting the meaning of the law. These decisions are being sent out by the Board of Food and Drug Inspection with all the formality of official decisions on the meaning of the law, and coming from officials charged with the enforcement of the law,



have the effect of intimidating the food manufacturers of the country and the customers of the food manufacturers into complying with those decisions and accepting them as the law, and are thereby bringing about or trying to bring about a compliance with the law as interpreted by this board instead of a compliance with the law as it really is. No authority is given by the law for this proceeding.

Third—The decisions of this Board of Food and Drug Inspection are, in some cases, on the face of them, at variance with the law and seeking to restrict and modify the law as passed by Congress. Illustrations of this may be seen as follows:

(a) The law permits the use of any harmless color, while the Board of Food and Drug Inspection seeks to prohibit the use of all coal-tar colors except certain ones expressly permitted by this board, there being other coal-tar colors harmless and legal under the law.

(b) In F. I. D. 77 the board seeks to abrogate the law entirely, and made the legality or illegality of the use of a color dependent upon whether or not permission has been given by the Government to use it instead of being dependent upon the nature of the color—that is, whether it is harmless or harmful. Under this decision the use of a harmless color is held illegal unless permission is given to use it. No authority for such action is given by the law.

Fourth—F. I. D. 76 permits the use of certain preservatives in certain articles of food, while prohibiting the use of the same preservatives in other articles of food. Not only this, but it prohibits the use of sulphur unless it is applied in a certain way. While the law permits the use of any preservative applied in any way so long as that preservative does not render the product injurious to health. If the preservatives permitted are injurious to health no authority is given to any one to permit their use; nor is any authority given to any one to say that they may be used in certain goods and not used in others. But F. I. D. 76 not only assumes that they cannot be used under the law, because it restricts their use, but it goes further and tries to discriminate between the different food industries of the country by prescribing that if sulphur is applied in a certain way, this way being applicable to certain industries and not to others, it may be used, thereby discriminating in favor of the industries that can use it in that way, and discriminating against industries that cannot use it in that way. It also limits the use of benzoate of soda to products in which benzoate of soda has been used in the past, thereby discriminating in favor of those products and against other products in which other preservatives are now prohibited and which products cannot contain benzoate of soda because benzoate of soda has not been used in them in the past, the necessity for some preservative, however, in these products still existing. No authority is found in the law for such action as this, as the law permits the use of any article of food which is harmless and prohibits the use of any article of food which is unwholesome, and no official being given any authority to restrict or broaden the law in this respect.

Fifth—The Secretary of Agriculture has created a condition whereby food manufacturers are given the right to file with him a general guarantee, upon the filing of which he will issue a serial number to be used by food manufacturers on their labels, and the general public has been pretty well educated to look

for this serial number as a proof of the legality of the goods, and if not as a proof, at least as a reasonable assurance that the goods are legal. The importance of every food manufacturer being able to obtain this serial number and use it on his labels to have his goods pass on equal terms with the goods of those who do use it can at once be seen; and as the Secretary of Agriculture has, I believe, reserved the right to permit or deny the use of this serial number, it will be seen that he has created for his department a great power, in that he has created a favor that he may give or deny as he sees fit, and a favor that is of untold value to the food manufacturer. Having placed himself in a position where he can by this serial number system force manufacturers either to do what he wishes them to do or be denied the favor of using this serial number, of a real and great value to them, he has, in F. I. D. 76, sought to compel food manufacturers to abandon the use of preservatives, or at least has tried to disparage their use, by providing that any food manufacturer who uses benzoate of soda or sulphur compounds is denied this favor of the use of the serial number. The idea of any official creating a condition whereby his department has the power to domineer, even in the slightest way, the food industries of the country, and force compliance with the aforesaid was never contemplated by the law, is not aforesaid, was never contemplated by the law, is not warranted by it, and is fundamentally wrong, at least in this country.

There are other things that I might point out, but suffice it to say that every rule and regulation that attempts to interpret the law, or change its meaning, or affect the food manufacturers of the country in the slightest way, is not warranted by the law; and when these officials overstep their authority, as they have done, they are wrong, and have just as much right to go ahead and do the most unwarranted acts as they have to do any of the foregoing.

#### MAPLE SUGAR POPULAR.

The heart of New England, which being interpreted is Boston, has been surfeiting itself with maple sugar ever since the season came in, and it is no wonder that more of the sugar than usual has been eaten, for the crop is reckoned the best in fourteen years. In Vermont it is learned that more than 5,000,000 trees were tapped this spring in the state of Vermont alone and the average is three pounds to a tree. Most all of the sugar consumed in Boston, and Massachusetts for that matter, comes from the neighboring state of Vermont. Although other portions of the country receive some of their maple sugar from Ohio and Pennsylvania and even New York state, not much from these places finds its way to the Bay State, and even less comes from Canada. Because of the stringent pure food laws, one does not now find the adulterated maple sugar in the market, as was the case a few years ago. The fact that the public has discovered how delicious the real article is may account for the unusually large consumption. The candy factories, also, have used far more than usual of the maple syrup, maple sugar confections having grown extremely popular. Manufacturers say that they never used such large quantities of maple syrup as they have these past few weeks.



## COURT DECISIONS

### MICHIGAN SYRUP DECISION.

On filing the bill of complaint in this cause an order was made by the Circuit Judge for defendants to show cause why an injunction should not issue as prayed for in the bill of complaint.

The defendants, Arthur C. Bird and Joseph Schnitzer, have appeared and filed certain affidavits, on file, and have also filed a certificate of the deputy secretary of state, showing the place of business of the National Grocer Company, a corporation, one of the defendants, that its principal place of business, as designated in its articles of association and amendments thereto, is at the city of Grand Rapids, in the county of Kent.

Proof of service of subpoena upon the National Grocer Company in the city of Escanaba, in the county of Delta, and upon Daniel Dupie, at Gladstone, in the county of Delta, are also produced in court, showing personal service. The question of the jurisdiction of the court is raised informally here upon the face of the pleadings and by the certificate of the deputy secretary of state.

It is quite likely that the service upon the National Grocer Company must and should be had at the city of Grand Rapids in the county of Kent. That defendant has not appeared. Neither has Daniel Dupie, defendant, appeared. But it appearing that service was had on him in the county of Delta, and it not appearing by any pleading that he is not a resident of that county, it seems to me that the jurisdiction of the court here is not sufficiently raised to enable me at this time to pass upon the question of jurisdiction. However, a court should be slow, of course, in granting any relief if it appeared that it had not jurisdiction. But it appearing by the allegations of the bill that the defendant, Dupie, has been acting in concert and combination with the other defendants and from aught that appears here (said Dupie being served within the jurisdiction of the court), and nothing appearing that he is not a resident of the county of Delta, I think his residence there should be inferred from what appears in the bill.

That brings us to the main question in the case, as to whether the complainants are entitled to a preliminary injunction. The affidavit of the defendant, Bird, as to having had no communication with complainant, nor having ever condemned its manufactured articles, as alleged in the bill, may be true, and yet the allegations in the bill appear to be true, wherein it is represented that a representative of complainant appeared before the defendant Bird and had an interview with him at a given time. It does appear that that was before the organization of the complainant corporation, but it appears also that the complainant corporation has succeeded to the business that was then conducted by a co-partnership which was represented by the present representatives of the complainant, by substantially the same name; so that the fact is not really denied that the opportunity has been had and given to the Food Commissioner to pass upon this question, and that the bill is true in that respect in substance.

The court is called upon here to pass upon Section

5007 of the statute of this state—being Act 170 of 1893—which provides that it shall be unlawful for any person, dealer, firm, manufacturer or corporation to manufacture and sell or offer for sale any maple sugar, maple molasses or maple syrup, that is in any wise adulterated with common sugar, beet sugar, glucose or any other foreign substance, without distinctly marking, stamping or labeling the article or the package containing the same with the true and appropriate name of such article and the percentage in which common sugar, beet sugar, glucose or any other foreign substance enters into the composition of the same.

This statute was succeeded in 1895 by another act, amended in 1897, which provides that no person shall within this state manufacture for sale, have in his possession with intent to sell, offer or expose for sale, or sell any article of food which is adulterated within the meaning of this act.

Section 3 of the act provides as follows:

An article shall be deemed to be adulterated, within the meaning of this act—

First, if any substance or substances have been mixed with it, so as to lower or depreciate or injuriously affect its quality, strength or purity.

Second, if any inferior or cheaper substance or substances have been substituted wholly or in part for it.

Third, if any valuable or necessary constituent or ingredient has been wholly or in part abstracted from it.

Fourth, if it is an imitation of or is sold under the name of another article.

Fifth, if it constitutes wholly or in part of a diseased, decomposed, putrid, infected, tainted or rotten animal, or vegetable substance or article, whether manufactured or not, or, in the case of milk, if it is the product of a diseased animal.

Sixth, if it is colored, coated, polished or powdered, whereby damage or inferiority is concealed, or if by any means it is made to appear better or of greater value than it really is.

Seventh, if it contains any added substance or ingredient which is poisonous or injurious to health.

Provided that nothing in this act shall prevent the coloring of pure butter. And provided further, that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food, if each and every package sold or offered for sale shall bear the name and address of the manufacturer, and be distinctly labeled under its own distinctive name and in a manner so as to plainly and correctly show that it is a mixture or compound, and is not in violation with Definitions Fourth and Seventh of this section.

The article in question here is labeled:

"Pierre Viaus Pure Canadian Maple Syrup and Cane Syrup," in large letters upon the label. The bill of complaint as to its principal allegations stands unanswered or undisputed as to these allegations. It seems to me that Section 5007 does not apply to this case. That that section applies to an attempt, for instance, to sell as maple syrup an article which is adulterated with some inferior article without containing the appropriate name and the percentage in which the adulterated article enters into the composition of the same.

It does not seem to me that this section applies to this case as it now stands before the court on the bill of complaint. What might appear upon the final



hearing of the case is of course a very different question. But it seems to me that this case is governed and should be disposed of here so far as the motion for an injunction is concerned, by Section 5012, being a subsequent act of the legislature, first defining what an adulterated article is, and that this case comes within the proviso which has just been read: "Provided, further, that the provisions of this act shall not apply to mixtures or compounds recognized as ordinary articles or ingredients of articles of food."

It seems to me that this case is one of mixtures or compounds, by the mixture of pure Canadian maple syrup and cane syrup, both of which the court ought to take judicial notice of as ordinary articles of food, within the terms of the statute; and that the offering for sale of an article of this kind, labeled as this is, is not in violation of the statute of the state.

It seems to me, therefore, that a preliminary writ of injunction should issue, somewhat modified; and it may issue, in this manner, that the defendants, all of them, to be named, should be restrained from writing any letters over their official signatures or otherwise, stating that complainant's brand of syrup is illegally labeled under the laws of the state of Michigan and that said syrup cannot be sold or offered for sale in the state of Michigan, and instructing grocers and dealers handling said syrup that said syrup must be returned to the person or persons of whom the same was purchased; and from mailing and addressing and dispatching said letters to grocers and dealers handling complainant's said brand of syrup, for the purpose of inducing said grocers and dealers to discontinue the handling of said syrup, thereby damaging the business of complainant aforesaid; and from visiting, either in person or by deputy, all places of business of grocers and dealers so handling complainant's said brand of syrup in the state of Michigan aforesaid, and telling said grocers and dealers that complainant's said syrup is illegally labeled and cannot be sold in the state of Michigan, and from instructing said grocers and dealers to return said syrup to the parties from whom they had purchased the same; thereby intimidating said grocers into returning said syrup to the persons from whom they had purchased the same and declining to deal further in said syrups and thereby damaging the business of complainant; and from visiting, either in person or by deputy, the places of business of grocers and dealers as aforesaid, and removing with their own hands complainant's syrup from the shelves of grocers and dealers, without the consent or assistance of said grocers and dealers, without taking any samples and sealing said goods, according to the provisions of the statute of the state of Michigan, and without commencing any prosecutions against said grocers and dealers for the handling of said syrup; and from threatening in any manner, either personally or by letter, grocers and dealers handling complainant's syrup in the state of Michigan. Provided, however, that nothing herein contained shall be construed to prevent said defendants Joseph Schnitzer and Arthur C. Bird from proceeding according to the statutes of the state of Michigan to charge and prosecute any person or corporation whatever handling complainant's said syrup in the state of Michigan as aforesaid in violation of the statute, and from procuring samples of said syrup from any person or corporation so handling the same in the manner and form as provided by the statute of the state of Michigan, until the further order of the court.

## INJUNCTION AGAINST COMMISSIONER BIRD

Ed.—The following comment on the decision of Judge Stone was contributed to this journal on request by the attorney for the syrup company:

The injunction recently granted to the Pierre Viaus Maple Company against the state food commissioner of Michigan and his inspectors, restraining them from interfering with the sale of a syrup composed of maple syrup and cane syrup, and labeled, "Maple Syrup and Cane Syrup," is perhaps the first case to be decided along a line of legal reasoning that heretofore has not been applied to food law cases.

The gist of the case is as follows:

The food commissioner claimed that a syrup composed of maple and cane syrup must be sold simply as "Syrup," and that the label should not contain any statement to show what the ingredients were. Quite recently, however, he discovered an old law, that had never been published, which applied to the sale of maple syrup and provided that if maple syrup was adulterated the percentage of such adulteration should be stated on the label.

The syrup firm claimed that a syrup composed of maple syrup and cane syrup was legally labeled if labeled "Maple Syrup," and also claimed that the old law recently discovered only applied to a product sold as "Maple Syrup and Cane Syrup."

The court held with the syrup firm on all of its contentions.

The real interesting feature of the case, however, was that while the food commissioner claimed the syrup to be illegally labeled, he could not be induced to bring a prosecution against any firm selling syrup so labeled; but instead of prosecuting adopted a system of publication, using the mails and causing his inspectors to make personal visits to dealers, to inform all dealers that such syrup was illegal and try to induce them to stop selling it. The system usually had the desired effect.

The difficult question for the court to decide was whether or not the food commissioner could be legally restrained from doing these acts. Other courts have steadfastly refused to enjoin food commissioners in similar cases.

This case was tried in a little different way than similar cases, and it was this difference which enabled the syrup firm to get its injunction.

The difference seems to be that in similar cases heretofore tried an attempt has always been made to restrain the food commissioner from performing his official duties and enforcing the law, while in this case great care was used to ask for relief against nothing but what was entirely outside of the food commissioner's duties. Care was also used not to enjoin him from enforcing the law. Under the injunction he has just as much power and authority to enforce the food law of Michigan against the syrup in question as against any other syrup, but he must do it in a legal way, that is, by bringing a prosecution against it in court.

## NO DOUBT ABOUT IT.

Guest (in cheap restaurant)—"Say, waiter, are you sure this is genuine turtle soup?"

Waiter—"Course it is. It was made from water taken from a pond in the park in which two turtles were kept all summer."



**POWER OF BOARD OF HEALTH TO REVOKE LICENSES TO SELL MILK.**

The court of appeals of New York says, in the case of *People ex rel. Lodes vs. Department of Health of City of New York*, 82 Northeastern Reporter, 187, that, on the 17th day of April, 1903, the board of health of the department of health of the city of New York issued to the relator, George Lodes, six permits to sell and deliver milk from wagons and from his store in the borough of Brooklyn, which permits were revoked by the board of health, without notice to him, on the 17th day of January, 1906. Thereupon the relator applied for a peremptory writ of mandamus to compel the board of health to rescind its action in revoking the permits, alleging that there was no public necessity for the revocation of the permits; that the action of the board was arbitrary and unreasonable, tyrannical and oppressive in the extreme, and beyond the power and authority conferred upon it by law. On the hearing of such application, the board of health presented affidavits showing that the relator, his wife, and the drivers of his wagons had been four times convicted of selling, or offering for sale, adulterated milk, and that their action in revoking his permits was based upon such repeated violations of the law, and that by reason thereof they deemed him an unfit person to traffic in milk.

The Sanitary Code of the city of New York, which was continued in force by the charter of the city, provides: "Section 56. No milk shall be received, held, kept, offered for sale or delivered in the city of New York without a permit, in writing, from the board of health and subject to the conditions thereof." The provisions of the sanitary code, alluded to, have been held to be reasonable and a valid exercise of the police powers, and violative of no provision of the constitution, either state or federal. It has also been held that the board of health has power to revoke permits to sell milk, notwithstanding no ordinance had been adopted by the board authorizing such revocation. These are questions the court regards as settled.

The only question remaining to be disposed of was as to whether the relator was entitled to notice and a hearing by the board of health before revoking his permits. The answer to this question might depend upon the soundness of the relator's contention that the permits issued were property, of which, under the constitution, he could not be deprived without due process of law. He maintained that he had established and built up a business of selling milk at his store and had a regular line of customers whom he supplied daily; that he had established a milk route over which his wagons were sent daily distributing milk to the inhabitants of the city in that locality; and that this established business had become property, of which he could not be deprived.

But the good will of his business, so established, must not be confounded with the permits granted to him to engage in business. He was never licensed to sell impure and adulterated milk, and after he had obtained his permits to sell and undertook the securing of customers, he knew that he was engaging in a business which must be conducted under the supervision of the board of health of the city subject to the police powers of the state, and that such permits were subject to revocation. He knew that the permits contained no contract between the state, or the board of health and himself, giving him any vested right to

continue the business, and that it would become the duty of the board to revoke his license, in case he violated the statute, or the conditions under which it was granted.

Milk is an article of food extensively used by our inhabitants and is chiefly relied upon to support the lives of infant children. If impure or adulterated, or polluted with germs of dangerous or infectious diseases, its use becomes highly dangerous, and the health and welfare of the public demands speedy and, in some cases, instant prevention of its distribution to the people. While it is the duty of the board of health to watch and, through its inspectors, detect violations of the statute and the conditions imposed by it, it has been given no judicial power to hear, try, and determine such violations, but must act upon the information obtained by it through its own channels of inquiry.

In Cooley's Constitutional Limitations (7th ed.), p. 887, it is said that: "Dealers may also be compelled to take out a license, and the license may be refused to a person of bad reputation, or be taken away from a party detected in dishonest practices." In *Crowley vs. Christensen*, 137 U. S. 86, Mr. Justice Field says: "it is undoubtedly true that it is the right of every citizen of the United States to pursue any lawful trade or business, under such restrictions as are imposed upon all persons of the same age, sex, and condition. But the possession and enjoyment of all rights are subject to such reasonable conditions as may be deemed by the governing authority of the country essential to the safety, health, peace, good order, and morals of the community."

Other decisions were also cited by the court, which says that it inclines to the view that these authorities were conclusive upon the subject; and, although the relator had established a business and secured customers under the permits granted to him, the permit itself could not be treated as property in any legal or constitutional sense, but was a mere license revokable by the power that was authorized to issue it. The statute, as has been seen, has given the board of health no power to hear, try, or determine cases. Its duties are therefore not judicial, but executive or administrative and at times must be exercised summarily.

The powers of the members of the board of health being administrative merely, they can issue or revoke permits to sell milk in the exercise of their best judgment, upon or without notice, based upon such information as they may obtain through their own agencies, and their action is not subject to review either by appeal or by certiorari. If, however, their action is arbitrary, tyrannical, and unreasonable, or is based upon false information, the relator may have a remedy through mandamus to right the wrong which he has suffered. If the relator could show that he and those acting for him have not been convicted of violating the statute and the conditions imposed in the granting of the permits, and that consequently he was a fit and proper person to engage in the sale and distribution of milk among the inhabitants of the city, then he would be entitled to the relief he asked for. But if he desired to submit such evidence, he should have asked for an alternative rather than a peremptory writ. If, however, the charge of the board was true that he had been convicted of the offenses charged the number of times stated, the conclusion was irresistible that he was an improper person to be intrusted with the permit of the city to dispense to the inhabit-



ants of the city a food product that was liable, if adulterated, to endanger the health of the people.

### **ADULTERATION LAW IS VALID—SUPREME COURT DECIDES AGAINST CHICAGO PAINT FIRM AND OTHERS.**

The Supreme Court of the United States on Dec. 9 decided the case of the Heath & Milligan Manufacturing Company, paint manufacturers of Chicago, and a large number of other paint manufacturers in different parts of the country, against J. H. Worst, director of the North Dakota government agricultural experiment station. The suit was brought to test the validity of the North Dakota statutes of 1905 prohibiting the adulteration of white lead and mixed paints. The opinion was rendered by Justice McKenna and upholds the law as not inconsistent with the federal constitution, and thus affirms the decision of the United States Circuit Court for the North Dakota district.

### **HOLDS ORIGINAL MAKER LIABLE UNDER FOOD ACT.**

Covering the issue of a guaranty under the pure food and drugs act, based upon a former guaranty, James Wilson, Secretary of Agriculture, has issued in food inspection decision 83 an opinion of Charles J. Bonaparte, Attorney General, on certain phases of the use of the guaranty under section 9 of the food and drugs act. This opinion is based on the case of a dealer in the District of Columbia who sold goods under a guaranty from a Maryland wholesaler that were found to be adulterated.

The goods were examined by the Bureau of Chemistry in accordance with section 4 of the act, and the dealer was cited to appear. He established as a defense under which he claimed protection a written guaranty from a Maryland wholesaler who had sold him the food and shipped it to him in the District of Columbia in the exact condition in which he sold it there.

The Maryland wholesaler claimed protection from a Pennsylvania manufacturer who had sold it to him. The Attorney General says:

"The question upon which my opinion is requested is whether, upon such state of facts, the Maryland wholesaler is amenable to prosecution for violation of the act or is protected by the guaranty from the Pennsylvania manufacturer.

"It is true that section 9 does not specifically state that the first guaranty shall protect the second guarantor, but this result follows from the broad provision that 'no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the . . . party . . . from whom he purchases such articles.' As a prosecution for the false guaranty would be a prosecution 'under the provisions' of the act, and as the dealer's protection under his vendor's guaranty is not limited by the act to prosecutions for dealing in the articles but includes all prosecutions under its provisions, a former guaranty, in my opinion, would afford a dealer protection against the punishment to which he might otherwise be amenable for his own false guaranty as well as for selling or shipping the article in violation of the act.

"In short, the intention of Congress appears to have been to relieve from liability any person who would otherwise be subject to any prosecution under the act

if he establishes a guaranty from the person who sold him the goods, provided such person is a resident of the United States and therefore himself within the reach of prosecution, and to make such original guarantor subject to prosecution in lieu of the subsequent offender, Congress evidently intending to refer back liability in such case, in general, to the original guarantor, who, of course, in the case of goods of domestic production, would usually be the manufacturer, who would know their real character, and, in the case of goods imported from a foreign country, would be the importer, who would assume responsibility therefor, and to make the liability to punishment fall upon such original guarantor so far as possible."

### **THE MYSTERY OF SAUSAGE.**

Under the above title the Washington Post makes merry with the sausage, taking as its text the recent injunction secured in Michigan against the food commission of that state in publishing as adulterated sausages containing corn starch as one of the ingredients. The Post says:

"Chicago sausage makers have secured an injunction in Michigan against the food department of that state, which threatened to arrest any person detected in selling the Chicago sausages. The Michigan food department, it appears, attempted to define what is and what is not sausage. In the course of its floundering and wallowings in that morass of doubt and suspicion it declared that the Chicago sausage was adulterated. The Chicago sausage maker promptly proved that the United States pure food authorities had decided that whatever was in the sausages belonged there and was not an adulterant. In this case water and cereals were found in the sausages, and the federal authorities had decided that they were proper ingredients. So the Michigan food department has been compelled to stand back and permit a hungry populace to perform its ancient rites.

"This is a good and wholesome lesson to the Michigan food sharps. It ought to serve as a warning to all other persons who undertake the preposterous task of trying to ascertain what is in a sausage. By what moral right does a petty uniformed understrapper in Michigan presume to violate the sanctity of sausage? Does he think that his badge and his official cap entitle him to lay rude hands upon the cerements of a people's faith, with intent to unwrap, unfold, husk, tear off, and betray the contents thereof? Is nothing to be safe from the rude and grimy hand of officialdom? Is this Russia, that we are no longer to revel in the mystery of sausage? This espionage is an intolerable affront. It is well that in one state, at least, the bespangled minions of the law have received a setback from a higher power.

"But it is not only the impudence of the food authorities that offends. It is the palpable futility of their efforts that sharpens the point of their offense. Have the Michigan officials no sense at all? Cannot they see that the federal authorities have abandoned the field after a struggle with Chicago sausage? They, too, were once enthusiastic and confident. They sought to know when a sausage was adulterated. But they know better now. They have discovered the great, paramount truth that a sausage is a sausage, and that whatever is in it is part and parcel of it. Let this fact sink deeply into the consciousness of every pure food official in the land. Let it be understood, once for all, that there are some secrets that never can and never should be laid bare.



# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

BOARD OF FOOD AND DRUG INSPECTION.

## FOOD INSPECTION DECISION 82.

### Labeling of Coffee Produced in the Dutch East Indies.

There seems to be in the trade much uncertainty respecting the requirements of the Department of Agriculture as to the labeling of coffee produced in the Dutch East Indies. This question has been under advisement by the Department for some time, and, with the co-operation of the Department of State, important information has been secured.

The Department of State has asked to communicate with the Government of the Netherlands and ascertain to what extent in the opinion of that government the term "Java" should be used in harmony with the provisions of the law as applicable to coffees produced in the Dutch East Indies.

A communication has been received through the Department of State from the American Minister at the Hague, who has consulted the Netherlands Government on this subject. In this communication the American Minister states—

"The term 'Java Coffee' has been abused for many years, hence it arises that of both roasted and unroasted coffee, perchance ten times as much coffee is sold to the consumer, under the name of 'Java Coffee,' as is grown in Java.

"In conformance with the provisions of the 'pure food act,' all coffee coming from the island of Java might be called 'Java Coffee,' that from the Padang

districts 'Padang Coffee,' that from Celebes 'Celebes Coffee,' and all other sorts from the Netherlands Indies 'Dutch East Indies Coffee.'

"In the Netherlands what is known as 'Java Coffee' is only the *Coffea arabica* produced in Java, so that the *Coffea liberica* coming from that island under the name of 'Java Coffee' falls as little under that term as all the coffee from the rest of the islands of the Indian Archipelago."

The Department is of the opinion that the suggestions which are incorporated in this quotation from the American Minister at the Hague indicate a proper method of labeling coffee coming from the Dutch East Indies.

Coffee grown on the island of Sumatra would also be properly labeled if called "Sumatra Coffee," or, if desired, the label may state specifically and correctly the particular location in which the coffee in question was really grown.

H. W. WILEY,  
F. L. DUNLAP,  
GEO. P. McCABE,

*Board of Food and Drug Inspection.*

Approved:

JAMES WILSON,  
*Secretary of Agriculture.*

Washington, D. C., November 11, 1907.

F. I. D. 83.

Issued December 4, 1907

# United States Department of Agriculture,

OFFICE OF THE SECRETARY.

## FOOD INSPECTION DECISION 83.

### THE ISSUE OF A GUARANTY BASED UPON A FORMER GUARANTY.

Food Inspection Decision 83, giving the opinion of the Attorney-General on certain phases of the use of the guaranty under section 9 of the food and drugs act, June 30, 1906, is promulgated by the Department of Agriculture for the guidance of those who have occasion to make use of such guaranties during the carrying on of their ordinary business relations.

WASHINGTON, D. C., November 22, 1907.

A5—S.

November 11, 1907.

The Honorable the Secretary of Agriculture:

Sir—I have the honor to acknowledge the receipt of your letter of September 10, in which you request my

opinion upon a question which has arisen in your department in the administration of the food and drugs act of June 30, 1906, in a class of cases of which the following is a type:



An examination having been made in the Bureau of Chemistry, in accordance with section 4 of the act, of a sample of food purchased from a retail dealer in the District of Columbia, and the food having been found to be adulterated, the dealer was cited for a hearing, and, having appeared, established as a defense under which he claimed protection a written guaranty, conforming to the requirements of section 9 of the act, from a Maryland wholesaler who had sold him the food and shipped it to him in the District of Columbia in the exact condition in which he sold it here.

The Maryland wholesaler, having been then cited, in turn appeared and established a similar guaranty, under which he also claimed protection, from a Pennsylvania manufacturer who had sold him the food and had shipped it to him in Maryland in the exact condition in which he had, in turn, guaranteed it and shipped it to the retailer in the District of Columbia.

The question upon which my opinion is requested is whether, upon such state of facts, the Maryland wholesaler is amenable to prosecution for violation of the act or is protected by the guaranty from the Pennsylvania manufacturer.

By section 2 of the food and drugs act (34 Stat., 768) it is made a misdemeanor, *inter alia*, to ship any adulterated or misbranded food or drugs in interstate commerce, or to receive the same in such commerce, and, having so received, to deliver the same to any other person in original, unbroken packages, or to sell the same in the District of Columbia.

Section 9 of the act further provides:

"That no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act."

After careful consideration of this act, together with the memoranda prepared by the members of the Board of Food and Drug Inspection, which you have submitted with your letter, I am of the opinion that the guaranty from the Pennsylvania manufacturer affords complete protection to the Maryland wholesaler and that he is hence not amenable to prosecution under the act on account either of the interstate sale and shipment made by him to the retailer in the District of Columbia or of the guaranty given by him in connection therewith.

1. It is clear that the Maryland wholesaler is protected from prosecution for the interstate sale and shipment made by him, by the explicit provision of section 9, that "no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of the act."

The broad term "dealer" which is used in this section, not being restricted in its meaning by any other provision of the act, includes those who deal at wholesale as well as those who deal at retail. I am of the

opinion, therefore, that under the plain language of this provision any dealer, whether a wholesaler or retailer, who would otherwise be amenable to prosecution for dealing in an adulterated or misbranded article in violation of the act, is protected from prosecution on such account by establishing a guaranty in conformity with the requirements of the act, signed by a resident of the United States from whom he purchased such article.

2. A more difficult question, however, arises in reference to the liability of the Maryland wholesaler to prosecution by reason of the guaranty which he gave the District of Columbia retailer in connection with the sale and shipment to him.

It is expressly provided by section 9 of the act that wherever a dealer who would otherwise be subject to prosecution establishes a guaranty from a resident of the United States who sold him the articles, the dealer is thereby protected, and such guarantor "shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this act." Construing this section in its entirety, I am of the opinion that its purpose was to create, in addition to the offense of manufacturing and dealing in adulterated and misbranded food and drugs specifically made misdemeanors by sections 1 and 2 of the act, the distinct and substantive offense of guaranteeing, under the food and drugs act, any adulterated or misbranded article—thereby enabling the purchaser to deal with such articles in a manner otherwise forbidden without being amenable to the punishment to which he would otherwise be subject—the offense of giving such false guaranty, however, not to be complete until the purchaser deals with the article thus guaranteed in a manner otherwise punishable by the act, in which event the guarantor would become subject to the same punishment for giving the false guaranty as that to which the purchaser would otherwise be amenable by reason of his dealing with the article.

Without discussing the scope and effect of this provision, I am of the opinion that whatever this may be, the maker of a false guaranty is just as much protected from any prosecution to which he might be liable on this account by establishing a former guaranty from the person from whom he purchased the article, as he is thereby protected from prosecution for dealing with the article in a manner otherwise forbidden by the act; in other words, that the former guaranty is a complete protection against any prosecution under this act.

It is true that section 9 does not specifically state that the first guaranty shall protect the second guarantor, but this result follows from the broad provision that "no dealer shall be prosecuted under the provisions of this act when he can establish a guaranty signed by the . . . party . . . from whom he purchases such articles." As a prosecution for the false guaranty would be a prosecution "under the provisions" of the act, and as the dealer's protection under his vendor's guaranty is not limited by the act to prosecutions for dealing in the articles, but includes all prosecutions under its provisions, a former guaranty would in my opinion afford a dealer protection against the punishment to which he might otherwise be amenable for his own false guaranty as well as for selling or shipping the article in violation of the act.

In short, the intention of Congress appears to have been to relieve from liability any person who would otherwise be subject to any prosecution under the act







patronage met in  
the President of  
and the laws of  
is for food est-  
Agriculture.  
from Ken-  
is said the  
cheme, but



if he establishes a guaranty from the person who sold him the goods, provided such person is a resident of the United States and therefore himself within the reach of prosecution, and to make such original guarantor subject to prosecution to refer back liability in such case, in general, to the original guarantor, who, of course, in the case of goods of domestic production, would usually be the manufacturer, who would know their real character, and, in the case of goods imported from a foreign country, would be the importer, who would assume responsibility therefor, and to make the liability to punishment fall upon such original guarantor so far as possible.

It further appears from the report of the House Committee on Interstate and Foreign Commerce, which reported the food and drugs bill for passage in substantially the form in which it was afterwards enacted, and which, under the doctrine of *Holy Trinity Church v. United States*, 143 U. S., 457, 464, and *United States v. Binns*, 194 U. S., 486, 495, may be properly looked to for the purpose of throwing light upon the intent of Congress, that the provision in question was inserted in the bill by the committee and that its general purpose was to protect persons dealing in the articles subsequent to the manufacturer or importing agent and direct the penalty to the original guarantor as far as possible. The committee in its report said:

"As the principal purpose of the bill is to prevent interstate and foreign commerce in adulterated or falsely branded articles of food, drink and medicine, the committee has inserted in the bill a provision intended to protect all persons dealing in the articles subsequent to the manufacturer or importing agent.

"Section 8 of the bill provides that no dealer shall be convicted when he is able to prove a guaranty of conformity with the provisions of the act signed by the manufacturer or the party from whom he purchased. The section requires that the guarantor shall reside within the United States and that the guaranty shall contain his full name and address.

"In other sections of the bill there are provisions for collecting samples or specimens and the examination of such in order to determine whether they are adulterated or misbranded, and the bill provides that any party from whom a sample was obtained shall be given an opportunity to be heard before the Secretary of Agriculture shall certify to the United States district attorney the results of an examination of the article as the basis for prosecution; so that if samples of goods shall be taken from a retail or wholesale dealer who has received a guaranty of conformity with the provisions of the act from the person who sold to him, he will be relieved from prosecution, and any penalty which may attach under the act will be directed to the original guarantor.

"These carefully prepared provisions of the bill will prevent any dealer being put to the expense of a prosecution when he takes the precaution to protect himself by requiring a guaranty." (Ho. Rep. 2118, 59th Cong., 1st sess., p. 3.)

And again:

"The prosecutions which will be commenced by the national authorities will be mainly directed against the manufacturers of food products; or, if it be impossible to find the manufacturer, against the jobbers and wholesale dealers." (Ho. Rep. 2118, *supra*, p. 9.)

Section 8 of the bill which was thus inserted by the committee read as follows:

"That no dealer shall be convicted under the provisions of this act when he is able to prove a guaranty of conformity with the provisions of this act in form approved by the rules and regulations herein provided for, signed by the manufacturer or the party or parties from whom he purchased said articles: *Provided*, That said guarantor resides within the United States. Said guaranty shall contain the full name and address of the guarantor making the sale to the dealer, and said guarantor shall be amenable to the prosecutions, fines, and other penalties which would otherwise attach in due course to the dealer under the provisions of this act." (Ho. Rep. 2118, *supra*, p. 11.)

It will be seen that the provision thus inserted and commented upon by the committee is substantially the same, so far as the present question is concerned, as section 9 of the bill as afterwards enacted, and it is made clear by this report that it was the intent of the committee, at least, in inserting this provision to entirely relieve from prosecution any retail or wholesale dealer who had received a guaranty from the person from whom he purchased, and, as stated by the committee, to "prevent any dealer from being put to the expense of a prosecution when he takes the precaution to protect himself by requiring a guaranty."

Any other construction of this act would work great hardship upon an innocent intermediary who, relying upon the guaranty which he receives from the original manufacturer of an article, sells it in interstate trade and guarantees it in his turn. And if the original guaranty does not fully protect him in such case, it would become exceedingly hazardous to sell and guarantee such article, even though guaranteed by the manufacturer, without first making, on his own account, a detailed investigation, chemical or otherwise, to ascertain whether it is in fact adulterated or misbranded. Manifestly, however, such a requirement would in many cases seriously impede and obstruct interstate trade.

It is stated in Doctor Dunlap's memorandum that, from the conditions that the Board of Food and Drug Inspection has found to exist throughout the whole business community, dealers engaged in interstate trade are insisting on a guaranty from the seller and purchasing only under such guaranty; that in order to do an interstate business today a dealer must give a guaranty with the goods he sells, whether he be the actual manufacturer or not; and that if the dealer can not rely upon the manufacturer's guaranty as a protection, it must have the effect of preventing interstate sales on the part of small concerns, and even of large concerns who probably would not care to incur the added expense and trouble, in many cases prohibitive, of having the goods carefully analyzed in order to be fully acquainted with their character.

There is, however, a presumption against a construction of a statute which "would cause grave public injury or even inconvenience" (*Bird v. United States*, 187 U. S., 118, 124). And it was said by Lord Coke, in language which was quoted by Abbott, C. J., in *Margate Pier Co. v. Hannam*, 3 B and Ald., 266, 270, and cited with approval in *Holy Trinity Church v. United States*, 143 U. S., 457, 459, that: "Acts of Parliament are to be so construed as no man that is innocent or free from injury or wrong be, by a literal construction, punished or endamaged."

The construction which I have given the act is furthermore supported by the view expressed in Greeley's Food and Drugs Act, sec. 65, p. 4, that:



"A wholesaler or jobber who purchases food or drug products from the producer or from anyone else may safely guarantee the goods so purchased to his consumers, provided he has from the producer or other person from whom he purchased the goods a guaranty covering them."

For these reasons, I am of the opinion that in the case stated the Maryland wholesaler is not amenable to prosecution under the act but is completely protected by his guaranty from the Pennsylvania manufacturer.

3. I should add, however, that the fact that both the District of Columbia retailer and the Maryland wholesaler are protected from prosecution by the guaranties which they have established from their respective vendors, does not, in my opinion, exempt the adulterated food from confiscation under section 10 of the act, which provides, *inter alia*, that any adulterated or misbranded food or drug which is being transported in interstate commerce for sale, or, having been transported, remains unloaded, unsold, or in original, unbroken packages, or is sold or offered for sale in the District of Columbia, may be proceeded against in the district where found "and seized for confiscation by a process of libel for condemnation." The provision of section 9 that no dealer shall be prosecuted when he establishes a guaranty from his vendor merely affords protection, in my opinion, against the criminal prosecution, fines, and other penalties to which the dealer would otherwise be personally amenable, and does not in any way affect the liability of the merchandise to confiscation under the provisions of section 10.

Respectfully,  
CHARLES J. BONAPARTE,  
*Attorney-General.*

#### SEEK PURE FOOD SUPPLY—EXTENSIVE RESEARCHES MADE IN THOROUGHLY SCIENTIFIC MANNER BY THE GERMAN GOVERNMENT.

In the production and control of a pure food supply by thoroughly scientific methods the Germans are disposed to keep their lead. The new government institute for milling research, supplementing the two institutes for research in the sugar and fermentation industries, is equipped with an experimental granary, a wheat and rye mill and a bakery, together with administrative offices and laboratories, the machinery and apparatus being of the most advanced kind, all driven by electricity. The mill has two distinct plants each milling two tons of grain in ten hours. The purpose of the institute is to carry out practical research and scientific investigation on grain during storing, milling, working up and baking; to experiment with the baking of home and imported grain; to conduct research work for the government and to carry out official and private analysis of grain, flour, fodder stuffs, etc. Every effort will be made to investigate thoroughly the numerous problems of milling and baking.—Mexico, Mo., *Intelligencer*.

#### HOUSEHOLD ECONOMY.

Before hard times struck the country and work was plentiful and wages at the highest notch the seriousness of the high cost of living was recognized in many quarters. Now that money is scarce and table necessities dear it is questionable whether the remedy, "economy in household expenditures," as recommended in

the following editorial from the *Altoona (Pa.) Mirror* will solve the difficulty, although it will help some:

"There is no question but that Prosperity with a big 'P' has hit the country, and hit it hard, but some of its accompaniments are not proving the most pleasant to some people. Along with this prosperity has come a tremendous advance of the prices of foodstuffs, until it is becoming a very serious question, especially with those who are trying to 'keep the pot boiling' on a salary, how to make both ends meet. An advance of about one-third per cent in the cost of living has not been followed by a corresponding advance in salaries, and the result has put many to wondering where the prosperity comes in. An illustration of the tendency of the times comes from Butler, in this state, where the hotel and restaurant men have advanced their prices 40 per cent, rendered necessary, they say, by the increased cost of everything they have to buy. Butler is not the only place where such an increase is manifest. Every housekeeper who goes to market or to the corner grocery realizes that her family supplies cost her a great deal more now than they did a year or so ago, and the end is not yet. This state of affairs is inseparable from a condition of general business growth. Prices of food are bound to go up along with the prices of everything else, and an advance in salaries has always been and always will be the last to follow. It is a condition from which there is no escape, and there is but one way to meet it—retrenchment and economy in the family. The man who is not receiving more for his services will simply have to spend less—or get in a financial hole. And the average American family can stand a little of this retrenchment without seriously suffering. A little less waste and extravagance on the table and in the buying of family supplies and a little less display and 'fine feathers' on the street, and the exigency will be met. It may 'cut the pride' a little, but as much happiness will result and debt be avoided. At any rate, this seems to be about the only solution to the problem, which is not a fancied but a real and pressing one."

#### KEEP HIGH STANDARD.

The result of numerous analyses of samples of tincture of iodine and spirits of camphor taken up recently by the authorities indicate that many druggists are using formulas which are no longer official. It would be well for druggists to bear in mind that the 8th Decennial Revision of the U. S. P. which became effective September 1, 1905, is the edition recognized by the law and that all drugs and medicines sold under, or by a pharmacopœial name or title must conform to the requirements of the 8th Revision. The edition of the National Formulary at present official is the 3d Revised Edition. Druggists who are not already provided with the last editions of these books should procure them and conform to their requirements in the future.

It has also been brought to our attention that mistakes have occurred in transposing formulas given in metric weights and measures into apothecaries weights and measures with the result that preparations thus made were not up to the standard. The possession of a set of metric weights and measures would remove this source of error. The authorities of the state of Ohio have been very active recently and have found lime water made from tablets under standard; tincture nux vomica made from fluid extracts and cheap solid extracts under standard; tincture opium has been



found to contain much less than the required amount of alkaloid.

Druggists should all also keep before them the new laws regarding proprietary medicines and beverages which contain alcohol in sufficient proportions to render them intoxicants and do not contain sufficient proportion of medicinal agent to prevent their being used as intoxicants.

The above points are brought out at this time particularly so as we feel every druggist is anxious to co-operate fully in the enforcement of the new regulations.—California Druggist.

#### WILL TEST MEDICINE CLAUSE.

A friend in South Dakota sends the following unidentified clipping indicating that Commissioner Wheaton intends to side-step on his recent drastic interpretation of the new state food law as affecting druggists:

"South Dakota druggists will be relieved to find that Pure Food Commissioner Wheaton will ask the state supreme court for an interpretation of the patent medicine clause of the new pure food law before attempting general enforcement of his own interpretation of it. A test case is to be instituted in Sioux Falls and carried to the supreme court to decide just what the law means, and whether it is constitutional. Meanwhile the druggists who have not been obeying the Wheaton interpretation will not be molested. If the supreme court decides the law means what Commissioner Wheaton says it means and that it is constitutional the pure food commissioner will very properly enforce it, whether or not such enforcement may be either popular or 'good business.'

"The point to be settled is whether proprietary remedies must carry a statement of all their ingredients on the label. The national pure food law requires publicity only for poisonous or narcotic ingredients. South Dakota druggists say it is unreasonable to impose in their state restrictions that are not imposed in other states. Their claim is that the effect would be to turn all the patent medicine business over to mail order houses. The impression at the time the law was passed was that it conformed to the national law in its patent medicine regulations. If this is not the fact, it will be up to druggists to obey the law as it is, until it can be amended, if amendment is deemed desirable.

"Commissioner Wheaton is doing a politic thing in not insisting on compliance with the law as he construes it until the supreme court has sustained his view. If he should prove to be in the wrong there would be no way of squaring himself with the druggists who had been punished under a wrong interpretation of the law.

#### PRESIDENT ROOSEVELT ON THE "FOOD AND DRUGS ACT."

(From message to Sixtieth Congress.)

Those who fear, from any reason, the extension of federal activity will do well to study the history not only of the national banking act but of the pure food law, and notably the meat inspection law recently enacted. The pure food law was opposed so violently that its passage was delayed for a decade; yet it has worked unmixed and immediate good. The meat inspection law was even more violently assailed; and the same men who now denounce the attitude of the national government in seeking to oversee and control the workings of

interstate common carriers and business concerns then asserted that we were "discrediting and ruining a great American industry." Two years have now elapsed and already it has become evident that the great benefit the law confers upon the public is accompanied by an equal benefit to the reputable packing establishments. The latter are better off under the law than they were without it. The benefit to interstate common carriers and business concerns from the legislation I advocate would be equally marked.

#### STATE AND FEDERAL CO-OPERATION.

Incidentally, in the passage of the pure food law the action of the various state food and dairy commissioners showed in striking fashion how much good for the whole people results from the hearty co-operation of the federal and state officials in securing a given reform. It is primarily to the action of these state commissioners that we owe the enactment of this law; for they aroused the people, first to demand the enactment and enforcement of state laws on the subject, and then the enactment of the federal law, without which the state laws were largely ineffective. There must be the closest co-operation between the national and state governments in administering these laws.

## BAUSCH & LOMB

### Precision Centrifuge

for all kinds of analyses in which centrifugal force can be successfully applied.

☐ Possesses considerable range of speed and has ample power to carry both large and small bottles.

☐ Babcock milk bottles and two ordinary nursing bottles can be operated at one time.

☐ Speed of motor controlled by rheostat.

☐ Send for descriptive circular.

☐ "PRISM" IS A LITTLE MAGAZINE we publish monthly. Not a mere advertisement, but a beautifully made and printed little publication about that world of wonder and beauty seen by the lens. Send us your name and we will enter your subscription FREE.

## Bausch & Lomb Optical Co.

ROCHESTER, N. Y.

New York Boston Washington Chicago San Francisco

## We are the Largest Manufacturers of Prepared MUSTARD AND CATSUP

HUSS-EDLER PRESERVE COMPANY,

Write for Samples and Prices. 75-79 W. Kinzie St., Chicago



# **DIRECTORY** **OF FOOD CONTROL OFFICIALS**

## ARIZONA.

### PHOENIX.

#### TERRITORIAL BOARD OF HEALTH.

Robert M. Dodsworth, M. D., Superintendent of Public Health, Secretary of Board.

## CALIFORNIA.

### SAN FRANCISCO.

#### STATE DAIRY AND FOOD BUREAU, 114 CALIFORNIA STREET.

John A. Bliss of Alameda County, Chairman and Treasurer.  
 W. Frank Pierce of Alameda County.  
 Geo. R. Sneath of San Mateo County.  
 Wm. H. Saylor, Secretary and Chemist.

## CANADA.

### OTTAWA.

#### DEPARTMENT OF INLAND REVENUE.

Wm. Templeman, Minister of Inland Revenue.  
 W. J. Garold, Deputy Minister.  
 Thos. Macfarlane, Chief Analyst. (Deceased.)  
 Anthony McGill, Assistant to Chief Analyst.  
 S. E. Wright, Assistant Analyst.  
 E. Davidson, Assistant Analyst.  
 A. Lemoine, Assistant Analyst.  
 J. A. Valin, Assistant Analyst.

## COLORADO.

### DENVER.

R. G. D. Bishopp, Dairy Commissioner.  
 J. J. Gerardet, Deputy Commissioner.

## CONNECTICUT.

### HARTFORD.

J. B. Noble, Commissioner.  
 R. O. Eaton, Deputy Commissioner.  
 John Phillips Street, M. S.

## DISTRICT OF COLUMBIA.

### WASHINGTON, D. C.

#### HEALTH DEPARTMENT.

Health Officer, William C. Woodward.  
 Chemist, R. L. Lynch.  
 Deputy Health Officer, H. C. McLean.  
 Chief Inspector, Dr. Murray G. Motter.

## GEORGIA.

### ATLANTA.

T. G. Hudson, Commissioner of Agriculture.  
 R. F. Wright, Assistant Commissioner of Agriculture.  
 John M. McCandless, State Chemist.

## IDAHO.

### BOISE.

#### STATE DAIRY, PURE FOOD AND OIL COMMISSION.

J. R. Field, Commissioner, New Plymouth.  
 Prof. S. R. Macy, State Chemist

## ILLINOIS.

### CHICAGO.

Alfred H. Jones, State Food Commissioner.  
 H. E. Schuknecht Assistant Food Commissioner.  
 T. J. Bryan, State Analyst.  
 Miss Lucy Doggett, Assistant State Analyst.  
 T. J. Nchls, Assistant Chemist Stock Foods.  
 Frank Hoey, Chicago, Inspector.  
 C. H. Kjellquist, Rockford, Inspector.  
 J. C. Eagleton, Robinson, Inspector.  
 H. J. Hamlin, Jr., Shelbyville, Inspector.  
 Harrison Kennicott, Glen View, Inspector.  
 J. L. McLaughlin, Chicago, Inspector.

## INDIANA.

### INDIANAPOLIS.

#### STATE BOARD OF HEALTH.

J. N. Hurty, M. D., Phar. D., Secretary of State Board of Health and State Food and Drug Inspector.

H. E. Barnard, B. S., Chemist.  
 H. E. Bishop, B. S., Assistant Chemist.

## IOWA.

### DES MOINES.

#### STATE FOOD AND DAIRY COMMISSION.

H. R. Wright, Commissioner.  
 W. E. Smith, Deputy Commissioner.  
 W. B. Johnson, Assistant Commissioner.  
 F. L. Odell, Assistant Commissioner.  
 J. R. Chittick, Chemist.  
 Miss Avis Talcott, Assistant Chemist.

## KANSAS.

### TOPEKA.

#### STATE BOARD OF HEALTH.

L. A. Golden, M. D., President.  
 S. J. Crumbine, M. D., Secretary.  
 E. H. S. Bailey, Ph. D., Chemist.

#### THE STATE AGRICULTURAL COLLEGE.

#### DEPARTMENT OF CHEMISTRY.

### MANHATTAN.

J. T. Willard, M. S., Professor of Chemistry.  
 H. A. Wood, B. S., Assistant in Chemistry.  
 H. H. King, M. A., Assistant in Chemistry.  
 E. C. Crowley, Ph. B., Assistant in Chemistry.  
 Alice M. Melton, B. S., Clerk.

## KENTUCKY.

### LEXINGTON.

M. A. Scovell, Director Experiment Station.  
 R. M. Allen, Secretary and Executive Officer, Food Division.  
 J. O. La Bach, Chemist, Food Division.

## LOUISIANA.

### NEW ORLEANS.

#### THE STATE BOARD OF HEALTH.

C. H. Irion, M. D., President, New Orleans.  
 W. Glendower Owen, M. D., Vice-President, White Castle.  
 W. S. Ingram, Secretary, New Orleans.

## MAINE.

### AUGUSTA.

A. W. Gilman, Commissioner.  
 L. H. Merrill, Chemist in charge Food Analysis.

## MARYLAND.

### BALTIMORE.

#### THE STATE BOARD OF HEALTH.

Dr. Wm. H. Welch, President.  
 John S. Fulton, M. D., Secretary.

## MASSACHUSETTS.

### BOSTON.

#### BOARD OF AGRICULTURE, ROOM 136, STATE HOUSE.

P. M. Harwood, General Agent, Massachusetts Dairy Bureau.

J. Lewis Ellsworth, Executive Officer and Secretary of the State Board of Agriculture.

C. D. Richardson, West Brookfield, Chairman of Dairy Bureau.

#### FOOD DIVISION OF BOARD OF HEALTH.

Charles Harrington, M. D., Secretary.  
 Albert E. Leach, Chemist, Food and Drug Analyses.  
 Chas. A. Goessman, Milk Analyst for Western Mass  
 H. C. Lythgoe, Assistant Chemist.

## MICHIGAN.

### LANSING.

A. C. Bird, State Dairy and Food Commissioner.  
 Colon C. Lillie, Deputy Commissioner.  
 Floyd W. Robison, State Analyst.  
 L. H. Van Wormer, Assistant Chemist.

## MINNESOTA.

### ST. PAUL.

#### STAFF OF THE DAIRY AND FOOD COMMISSION.

E. K. Slater, Commissioner.  
 John McCabe, Assistant Commissioner.  
 W. W. Wall, Secretary.  
 Julius Hortvet, Chemist.  
 R. M. West, Assistant Chemist.  
 Miss Marjorie Cole, Assistant Chemist.  
 Genevieve Imus, Assistant Chemist.

## MISSOURI.

### COLUMBIA.

Robert M. Washburn, Dairy and Food Commissioner.  
 M. H. Lamb, Deputy Dairy and Food Commissioner.  
 G. G. Strock, Inspector.  
 R. C. Arnett, Inspector.  
 Dan Johnson, Inspector.  
 D. A. Chapman, Inspector.

## MONTANA.

#### MONTANA MEAT AND MILK INSPECTION COMMISSION.

### HELENA.

Dr. Wm. Treacy, President.  
 Dr. Thomas D. Tuttle.  
 M. E. Knowles, Secretary.

## NEBRASKA.

### LINCOLN.

#### NEBRASKA FOOD COMMISSION.

Joseph W. Johnson, Deputy Commissioner in charge of the department.  
 E. L. Redfern, State Chemist.



## NEW HAMPSHIRE.

CONCORD.

STATE BOARD OF HEALTH.

G. P. Conn, M. D., President.  
 Irving A. Watson, M. D., Sec. and Director of Laboratory  
 Chas. D. Howard, B. S., Chemist.  
 Walter B. Pope, Assistant Chemist.

## NEW JERSEY.

TRENTON.

STATE BOARD OF HEALTH.

Cyrus F. Brackett, M. D., LL. D., President.  
 Henry Mitchell, Secretary.  
 R. B. Fitz. Randolph, Dir. State Laboratory of Hygiene.  
 Shippen Wallace, Analyst.  
 Wm. G. Tice, Analyst.

## NEW YORK.

ALBANY.

DEPARTMENT OF AGRICULTURE.

Charles A. Wieting, Commissioner.  
 George L. Flanders, Assistant Com., Albany, N. Y.  
 Henry H. Kracke, Assistant Com., New York City.  
 Ebenezer J. Preston, Assistant Com., Amenia, N. Y.  
 Robt. McAdam, Acting Assistant Com., Utica, N. Y.  
 S. Brown Richardson, Assistant Com., Lowville, N. Y.  
 Charles T. Russell, Assistant Com., Munsville, N. Y.  
 Verlett C. Beebe, Assistant Com., Arcade, N. Y.  
 William T. Hughes, Assistant Com., Rochester, N. Y.  
 John H. Grant, Assistant Commissioner, Buffalo, N. Y.  
 James P. Clark, Assistant Com., Falconer, N. Y.

STATE DEPARTMENT OF HEALTH.

Eugene H. Porter, M. D., Commissioner.  
 Alec. H. Seymour, Secretary.  
 F. D. Beagle, Chief Clerk.  
 Prof. Willis G. Tucker, M. D., Dir. Bureau of Chemistry.

## NORTH CAROLINA.

RALEIGH.

BOARD OF AGRICULTURE.

S. L. Patterson, Commissioner.  
 T. K. Bruner, Secretary.  
 B. W. Kilgore, State Chemist.  
 W. M. Allen, Food Chemist.

## NORTH DAKOTA.

FARGO.

E. F. Ladd, Food Commissioner.  
 R. F. Flint, Dairy Commissioner.

## OHIO.

COLUMBUS.

OHIO DAIRY AND FOOD COMMISSION.

Hon. Renick W. Dunlap, Commissioner, Columbus.  
 Charles H. May, Chief Inspector, Circleville.  
 William Martin, Assistant Com., Chardon.  
 John J. Kinney, Assistant Com., Cincinnati.  
 Dr. James H. Beal, Drug Inspector, Scio.  
 T. D. Wetterstroem, Chemist, Cincinnati, 3935 Spring  
 Grove Avenue.  
 Prof. William McPherson, Chemist, Columbus.  
 O. S. Marckworth, Chemist, Columbus.  
 Dr. J. A. Beer, Chemist, Columbus.  
 Prof. Perry L. Hobbs, Chemist, Cleveland.  
 Prof. Azor Thurston, Chemist, Grand Rapids, Ohio.  
 Prof. H. K. Newton, Chemist, Cleveland.  
 W. E. Johnson, Food Inspector, Jackson.  
 E. J. Riggs, Food Inspector, Gallipolis.  
 C. M. Shafer, Food Inspector, Canal Fulton.  
 Anthony Sauer, Food Inspector, Cincinnati.  
 C. H. Waid, Food Inspector, Wauseon.  
 S. P. Ewing, Food Inspector, Columbus.

## OREGON.

PORTLAND.

J. W. Bailey, Dairy and Food Commissioner.  
 H. V. Tartar, Deputy Dairy and Food Commissioner.  
 Dr. Charles Withycombe, Dir. Oregon Experiment Station.

## PENNSYLVANIA.

HARRISBURG.

DEPARTMENT OF AGRICULTURE AND DAIRY AND FOOD COMMISSION.

N. B. Critchfield, Secretary of Agriculture.  
 James Foust, Dairy and Food Commissioner.  
 Oliver D. Schock, Assistant Dairy and Food Commissioner  
 Prof. C. B. Cochran, Chemist.  
 Prof. Wm. Frear, Chemist.

## RHODE ISLAND.

PROVIDENCE.

BOARD OF HEALTH.

Albert G. Sprague, M. D., President.  
 Gardner T. Swartz, M. D., Secretary.

## SOUTH CAROLINA.

CHARLESTON.

BOARD OF HEALTH.

T. Grange Simons, M. D., Chairman.  
 James Evans, Secretary, Florence.

## SOUTH DAKOTA.

BROOKINGS.

A. H. Wheaton, Food and Dairy Commissioner.  
 G. D. Grover, Assistant.  
 F. G. Orr, Chief Clerk, Evarts, S. D.  
 Prof. J. H. Shepard, Brookings, S. D., State Chemist.

## TENNESSEE.

NASHVILLE.

BOARD OF HEALTH.

Dr. Hebor Jones, Vice President, Memphis.  
 Hon. W. W. Ogilvie, Nashville.  
 Dr. R. E. Fort, Nashville.  
 Dr. Louis Leroy, State Bacteriologist.

## TEXAS.

AUSTIN.

DEPARTMENT OF PUBLIC HEALTH AND VITAL STATISTICS.

Dr. Geo. R. Tabor, State Health Officer.  
 E. E. Walker, Secretary.

## UNITED STATES.

WASHINGTON, D. C.

DEPARTMENT OF AGRICULTURE.

James Wilson, Secretary.  
 W. M. Hays, Assistant Secretary.  
 H. W. Wiley, Chief, Bureau of Chemistry.  
 W. D. Bigelow, Chief, Division of Foods.  
 G. E. Patrick, Chief of Dairy Laboratory.  
 Dr. L. F. Kebler, Chief of Drugs Laboratory.  
 R. E. Doolittle, Chief of New York Laboratory.  
 R. A. Gould, Chief of San Francisco Laboratory.  
 B. H. Smith, Chief of Boston Laboratory.  
 Howard V. Frost, Chief of Chicago Laboratory.  
 C. F. Brinton, Chief of Philadelphia Laboratory.  
 C. W. Harrison, Chief of New Orleans Laboratory.

BUREAU OF ANIMAL INDUSTRY.

A. D. Melvin, Chief of Bureau.  
 R. P. Steddom, Chief of Inspection Division.  
 Ed H. Webster, Chief of Dairy Division.

TREASURY DEPARTMENT.

BUREAU OF INTERNAL REVENUE.

John G. Capers, Internal Revenue Commissioner.  
 L. M. Tolman, Chief, Division of Chemistry.  
 S. L. Stephenson, Chief, Division of Distilled Spirits.  
 C. A. Bates, Chief, Division of Assessments.

## UTAH.

SALT LAKE CITY.

John Peterson, State Dairy and Food Commissioner.  
 Herman Harms, State Chemist.

## VERMONT.

BRATTLEBORO.

STATE BOARD OF HEALTH.

Charles S. Caverly, M. D., President, Rutland, Vt.  
 Henry D. Holton, M. D., Secretary, Brattleboro, Vt.  
 B. H. Stone, M. D., Director of Laboratory.  
 C. P. Moat, Chemist.  
 H. L. White, Chemist.

## VIRGINIA.

RICHMOND.

G. W. Koiner, Commissioner of Agriculture.  
 E. W. Magruder, Chief Chemist.

## WASHINGTON.

DAVENPORT.

L. Davies, State Dairy and Food Commissioner, Daven  
 port, Washington.

L. W. Hanson, Deputy Dairy and Food Commissioner,  
 Seattle.

Prof. Elton Fulmer, State Chemist, Pullman, Washington.

## WEST VIRGINIA.

CHARLESTON.

STATE BOARD OF AGRICULTURE.

James O. Thompson, Secretary.

## WISCONSIN.

MADISON.

J. Q. Emery, Dairy and Food Commissioner.  
 H. S. Baer, Assistant Commissioner, Dairy Expert.  
 J. G. Moore, Second Asst. Commissioner, Creamery Expert.  
 F. M. Buzzell, Chief Food Inspector.  
 Richard Fischer, Ph. D., Chemist.

## WYOMING.

EVANSTON.

STATE BOARD OF HEALTH.

E. W. Burke, State Dairy and Food Commissioner.  
 Prof. Henry G. Knight, State Chemist, Laramie.





# Henderson Bourbon

and

# Maryland Reserve Rye

Analysis Proves them to be

## PURE FOOD WHISKIES

Up to Standard and True to Label

For Sale by

**BREEN & KENNEDY**

187-189 Washington Street

CHICAGO



## REBELLIOUS STOMACHS

It is best for all who are troubled with disorders of digestion to adopt a simple, nutritious diet, ignoring those foods which induce irritable conditions.

## DR. PRICE'S WHEAT FLAKE CELERY FOOD

can be regularly eaten by persons with the most dyspeptic and rebellious stomachs. It is made from the whole grain of the wheat with celery, and aids in regulating the bowels.

**Palatable—Nutritious—Easy of Digestion and Ready to Eat**

Can be served hot. Put in a hot oven for a few minutes; or cook in boiling milk.

**10c a package**  
All Grocers

My Signature  
on every  
package

*Dr. V. C. Price*

86



## The Way of the Transgressor is Lard

The difference between COTTOLENE and lard is just this: COTTOLENE is a vegetable product made from the purest cottonseed oil; lard is an animal product made from hog fat.

COTTOLENE is pure, wholesome and digestible; lard is often impure and always indigestible.

COTTOLENE is sold only in sealed, air-tight tin pails, keeping it always fresh and sweet; lard is usually sold in bulk, exposed to dust and dirt and the odors of fish, kerosene, etc., so common in most groceries.

COTTOLENE is richer than either lard or cooking butter, one-third less being required.

COTTOLENE shortens your food, lengthens your life; it's "the perfect shortening."

Made by

**The N. K. Fairbank  
Company**

## ARMOUR & COMPANY

ESTABLISHED 1863

CHICAGO  
SIOUX CITY

KANSAS CITY  
EAST ST. LOUIS

SOUTH OMAHA  
FORT WORTH

PACKERS AND SHIPPERS OF

### Dressed Beef, Provisions, Canned Meats

and Proprietors of the following  
well known Special Brands:

"Star" Hams and Bacon

"Veribest" Mince Meat

"Veribest" Pork and Beans

"Veribest" Tinned Meats

Devonshire Sausage

Simon Pure Leaf Lard

Vegetole (Lard Substitute)

Gen'l Offices: 205 La Salle St., Chicago, Ill.

## Proof of Merit

*Bear in mind, Mr. Dealer,* that much depends upon the brand of Canned Meats you handle. It is a matter of the utmost importance to you. Get a reputation for selling only the best Canned Meats, and you will not only sell more of them but the business on your other commodities will increase accordingly.

### Advance Canned Meats

*Are the best in the world.*

They took first prize at the Louisiana Purchase Exposition in 1904, and they are still in "Advance" in 1907. Lunch Tongue, Corned Beef, Potted and Deviled Meats, Sliced Beef, and Pork and Beans are a few of the good things that make Advance Brand so popular. :: *Order today.*

**SCHWARZSCHILD & SULZBERGER CO.**  
NEW YORK CHICAGO KANSAS CITY

## Ham

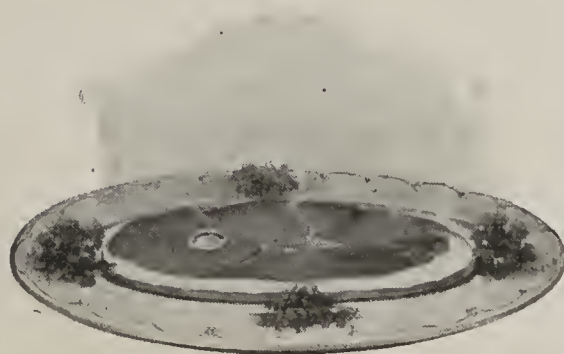
Ham is a food that builds healthy bodies—because it contains the vital elements needed to make bone and muscle. Ham furnishes both heat and energy—stimulates every function of the body.

And Ham is delicious! The very smell of it sizzling in the pan makes your mouth water. But to have the sweet, juicy, tender kind, you must remember the Brand—Swift's "Premium."

Yes, "Premium" in fact as well as name. There's a "Premium" on the best Ham—Swift's "Premium." And its Premium in quality and flavor as it steams on the platter at Breakfast time.

Be insistent—when you ask for Ham be sure you get

### Swift's "Premium"



Swift & Company, U. S. A.



Dairy and Food Departments Have Endorsed  
**DR. PRICE'S PRODUCTS**

As Standard and True to Label

**GRAND PRIZE**

(The highest honor)

Awarded to

**DR. PRICE'S**  
 DELICIOUS  
**Flavoring  
 Extracts**

At the

**ST. LOUIS  
 EXPOSITION.**

For sale by all representative grocers.

Manufactured by

**PRICE FLAVORING EXTRACT CO., :: CHICAGO**

**DR. PRICE'S  
 JELLY  
 SUGAR**



**DESSERT**  
 NUTRITIOUS-WHOLESOME

One package 10 cents, makes one  
 pint of wholesome Fruit Jelly.  
 All the flavors from true fruits.

**DR. PRICE'S**



DELICIOUS

**ICE CREAM  
 SUGAR**

A HEALTHFUL  
 AND DAINTY DESSERT  
 (VANILLA)

Ice Cream in seven minutes.  
 Remarkable for smoothness, palat-  
 ableness and purity, all flavors.

BY MERIT AND INTEGRITY  
**BORDEN'S**



**EAGLE BRAND  
 CONDENSED MILK**



**PEERLESS BRAND  
 EVAPORATED MILK  
 (Unsweeened)**

Milk Products Have Continued in Popularity with  
 Dealer and Consumer for

**50 YEARS**

**BORDEN'S CONDENSED MILK CO.**

Originators of Condensed Milk and  
 "Leaders of Quality"

**ROYAL**



**BAKING  
 POWDER**

**Absolutely Pure**

A Cream of Tartar Powder  
 free from alum or phos-  
 phatic acid

**Makes Home Baking Easy**















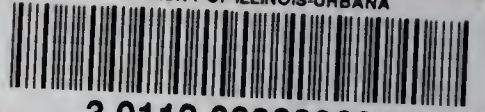








UNIVERSITY OF ILLINOIS-URBANA



3 0112 083238623